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JOURNAL

OF THE

HOUSE OF REPRESENTAITVES

OF

WASHINGTON TERRITORY:

FOURTH SESSION OF THE LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

AT OLYMPIA, THE SEAT OF GOVERNMENT, UPON THE FIRST MONDAY OF DECEMBER, TO-WIT: THE FIRST DAY OF DECEMBER, ANNO DOMINI, 1856.

OLYMPIA:
EDWARD FURSTE, PUBLIC PRINTER.
1857.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, December 1, 1856.

This being the day prescribed by the laws of this territory for the Legislature of the Territory of Washington to assemble, the members elect appeared, and, at ten o'clock, A. M., were called to order by Elwood Evans, Esq., the Chief Clerk of last year.

On motion of Mr. Caples,

Mr. Morrow was chosen Speaker *pro tem.*

On motion of Mr. Caples,

Quincy A. Brooks was chosen Chief Clerk, *pro tem.*

On motion of Mr. Strong,

Levi Shelton was chosen Sergeant-at-Arms *pro tem.*

On motion of Mr. Phillips,

William Rutledge, sr., was chosen Doorkeeper *pro tem.*

Mr. Caples moved that when the House adjourn it adjourn to meet to-morrow at 10 o'clock, A. M.

On motion of Mr. Smith of Island,

A committee of five were appointed to examine the credentials of members and report to-morrow morning.

Messrs. Smith, Clark, Phillips, Caples, and Baker were appointed said committee.

On motion of Mr. Caples.

The House adjourned.

TUESDAY, December 2d, 1856.

House met pursuant to adjournment.

Journal of Monday read and approved.

Mr. Smith, of Island, from committee on Credentials, made the following report:

The committee on Credentials, having had the subject referred to them under consideration, report that the following named persons have been duly elected members of the House of Representatives of the Territory of Washington, and are entitled to seats therein, to wit:

From the county of Clarke.—H. L. Caples, Joel Knight, John Prebstel, William Kelly.

From the county of Cowlitz.—William Huntington.

From the counties of Cowlitz and Wahkiakum.—William Strong.

From the county of Pacific.—John Briscoe.

From the county of Chehalis.—Christian Geisey.

From the county of Lewis.—C. P. Judson, Henry Miles.

From the county of Thurston.—C. B. Baker, B. L. Henness, Geo. C. Blankenship, Jas. Longmyer, Daniel Kiser, Wm. Rutledge, jr.

From the county of Sawamish.—William M. Morrow.

From the county of Pierce.—O. M. Meeker, John M. Chapman, Frank Clark.

From the county of King.—David Phillips, Henry A. Smith, T. D. Hinkley.

From the county of Island.—Joseph S. Smith.

From the county of Whatcom.—Henry Rhoeder.

From the counties of Jefferson and Clallam.—H. C. Wilson, (joint member.)

All of which is respectfully submitted.

J. S. SMITH, *Ch'm.*

On motion of Mr. Chapman,

The report was adopted.

Mr. Clark moved that a committee of three be appointed to wait upon Secretary Mason and request him to administer the oath of office to the members present.

Which motion prevailed.

The Chair appointed Messrs. Clark, Strong and Huntington, said committee.

Mr. Henness moved that the roll be called ;

Which was carried.

When, all answering to their names, the Secretary of the Territory appeared, and the members present took the oath of office according to law.

Mr. Clark moved that the House proceed to the election of Speaker by ballot.

Mr. Miles moved to amend so as to elect by *viva voce.*

The question being on the amendment of Mr. Miles, it was decided in the affirmative.

The motion of Mr. Clark, as amended, was then put and carried.

Mr. Chapman nominated for Speaker, Mr. Smith, of Island.

When, the roll being called, Mr. Smith received 25 votes ; blank 1 vote.

Mr. Smith, having received a majority of all the votes cast, was declared duly elected Speaker, and Messrs. Caples, Giesey and Miles were appointed a committee to conduct him to the chair.

On taking the chair, the Speaker elect returned thanks to the House for the honor conferred on him.

On motion of Mr. Chapman,

The House proceeded to the election of Chief Clerk,

A vote being taken, R. L. Doyle was declared unanimously elected Chief Clerk.

On motion of Mr. Clark,

The oath of office was then administered to the Speaker and Chief Clerk according to law.

On motion of Mr. Chapman,

The House proceeded to the election of Assistant Clerk.

When W. H. Carlton was unanimously chosen Assistant Clerk, and received the oath of office.

On motion of Mr. Phillips,

The House proceeded to the election of a Sergeant-at-Arms; when,

Levi Shelton was put in nomination, and having received a unanimous vote, was declared duly elected.

On motion of Mr. Chapman,

The House proceeded to elect a Door-keeper; when,

E. W. Austin, having received a unanimous vote, was declared duly elected.

The Sergeat-at-Arms and Door-keeper then presented themselves and received the oath of office.

Mr. Clark moved that when the House adjourn it adjourn until to-morrow morning at 10 o'clock. Carried.

Mr. Strong moved that the House resolve itself into committee of the whole for the purpose of distributing seats to members. Lost.

Mr. Morrow moved the selection of seats by counties.

Mr. Miles moved to lay Mr. Morrow's motion on the table. Carried.

Mr. Clark moved that the Sergeant-at-Arms procure from the Secretary of the Territory thirty copies of Rules of session of 1855–56, for the use of members of the House. Carried.

On motion of Mr. Judson,

The House adjourned.

WEDNESDAY, December 3d, 1856.

House met pursuant to adjournment.

The journal of Tuesday was read and approved.

On motion of Mr. Clark,

The rules and orders of session of 1855–56 were adopted for the temporary government of this House.

The Speaker announced the following as the standing committees of the House.

On Elections.—Messrs. Rutledge, Rhoeder and Huntington.

On Ways and Means.—Messrs, Chapman, Henness and Briscoe.

On Education.—Messrs. Knight, Morrow and Smith.

On Judiciary.—Messrs. Clark, Strong, Caples, Huntington and Phillips.

On Claims.—Messrs. Morrow, Giesey and Kiser.

On Military Affairs.—Messrs. Henness, Kelly, Smith, Wilson and Meeker.

On Roads and Highways.—Messrs. Judson, Knight and Rhoeder.

On Engrossed Bills.—Messrs. Rhoeder, Meeker and Baker.

On Enrolled Bills.—Messrs. Kiser, Hinkley and Briscoe.

On Indian Affairs.—Messrs. Miles, Longmyer and Phillips.

On Commerce.—Messrs. Wilson, Blankenship and Strong.

On Printing.—Messrs. Blankenship, Chapman and Kelley.

On Corporations.—Messrs. Briscoe, Rutledge and Hinkley.

On Memorials.—Messrs. Strong, Caples, Miles, Wilson and Clark.

On Counties.—Messrs. Phillips, Judson and Prebstel.

On Rules and Orders.—Messrs. Caples, Longmyer and Meeker.

On Agriculture.—Messrs. Giesey, Prebstel and Baker.

Mr. Strong asked to be excused from serving on Judiciary committee.

Mr. Briscoe moved that Mr. Strong be excused. Carried.

The Chair appointed Mr. Morrow on Judiciary committee in lieu of Mr. Strong, but at his request he was excused.

The Chair then appointed Mr. Briscoe on said committee.

Mr. Clark moved that the Clerk inform the Council that the House is now organized by the election of officers, and ready to proceed to business. Carried.

Mr. Morrow moved that the committee on Printing be instructed to procure six copies of the "Pioneer and Democrat," envelloped in wrappers, for the use of each member of the House.

Mr. Caples moved to amend so as to include the officers of the House also.

Amendment carried, and motion adopted.

Mr. Huntington moved that the House now proceed to elect, by *viva voce*, a Chaplain.

Mr. Caples moved to lay the motion on the table.

Which was decided in the affirmative—the vote being 15 to 8.

Mr. Clark moved that the committee on Rules and Orders be instructed to report rules for the permanent government of this House. Adopted.

Mr. Strong moved that a committee of three be appointed by the Chair, to continue during the session, and report from time to time upon such amendments in our laws as are necessary to adapt them to the requirements of the late law of congress relative to the terms of the district courts in the territories.

This motion meeting with opposition, Mr. Strong withdrew it for the present.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the Council have permanently organized by the election of

Hon. Wm. H. Wallace—President.

Elwood Evans—Chief Clerk.

F. S. Balch—Assistant Clerk.

Richard D. Herrington—Sergeant-at-Arms.

John Scott—Door-keeper.

And that they are now ready to proceed to business.

Mr. Chapman asked to be excused from serving on committee of Ways and Means.

The House refused to excuse Mr. Chapman.

Mr. Caples offered the following joint resolution:

Resolved by the House, the Council concurring, That a committee of three be appointed on the part of the House, to act in conjunction with a like committee on the part of the Council, to wait upon the Governor and inform him that the Legislature is now organized, and ready to receive any communication he may see fit to make.

Which was adopted.

Messrs. Caples, Wilson and Rutledge were appointed said committee.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that the Council have concurred in

H. J. R. No. 1—Relative to informing the Governor of the organization of the Legislature,

And have appointed Messrs. Wiley, Abernethy and Poe as committee on the part of the Council.

On motion,

House adjourned till 2 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Caples, from joint committee of the House, reported their duty discharged, and that the Governor was prepared to deliver his annual message.

JOINT CONVENTION.

Messrs. Clark and Phillips of the House, and Mr. Pagett of the Council, were appointed a committee to escort His Excellency, the Governor, to the hall of the House.

Committee reported the Governor in attendance, who delivered his annual message. (*See Appendix.*)

After hearing the message in joint convention, the Council returned to their chamber, and the House resumed business.

Mr. Caples moved that the Governor's message be laid upon the table, and one thousand copies, with the accompanying documents, be printed for the use of the House.

Mr. Clark moved to refer to committee on Printing.

Mr. Strong moved to amend by instructing the committee to report to-morrow morning.

Amendment carried and motion prevailed.

On motion of Mr. Caples,

The House adjourned till to-morrow morning, 10 o'clock.

THURSDAY, December 4th, 1856.

House met pursuant to adjournment.

Journal of Wednesday read and approved.

Mr. Caples, from committee on Rules and Orders, reported the rules of last session for the permanent government of the House during the present session, with the following amendments:

Amend Rule 29 so as to read: "After the Journals are read and the roll called, business shall be disposed of in the following order."

Amend Rule 53d, by adding in the 6th line after the word "within," "bar of the."

The report of the committee was adopted.

Leave being granted, Mr. Judson presented a petition from citizens of Lewis county, praying an alteration in that part of the Territorial road between L. A. Davi's and Thomas Ford's, dwelling house.

Referred to committee on Roads and Highways.

Mr. Blankenship, from committee on Printing, to whom was referred the subject of printing the Governor's message and accompanying documents, with instructions to report this morning, made the following report:

The committee on Printing, to whom was referred the message of the Governor and accompanying documents, would respectfully report that they have had the same under consideration, and would recommend that there be printed one thousand copies of the message and reports. Also, fifteen hundred copies of the message, reports, and correspondence of the Governor with the officers of the navy, regular army, and volunteer forces of Washington Territory.

And your committee would further report that the message, with the reports would occupy about sixty-five pages, and, accompanied by the correspondence, will occupy about two hundred and seventy-five pages.

G. C. BLANKENSHIP,
(Signed,) J. M. CHAPMAN,
WILLIAM KELLEY.

Mr. Miles moved that the report be accepted and adopted.

Pending the action on which,

On motion of Mr. Clark,

The subject was re-committed to the committee on Printing.

Mr. Miles, on leave previously granted, introduced

H. J. R. No. 2—Relative to appointing committee on Joint Rules.

On motion of Mr. Clark,

Rules suspended and resolution read a second time.

Under a further suspension of the rules, the resolution was read a third time and passed.

Ordered, That the Clerk forthwith report the passage of the resolution to the Council.

Mr. Meeker moved that the Sergeant-at-Arms procure from the Secretary of the Territory a copy of revised statutes, with subsequent amendments, for each of the members of the House.

Mr. Strong moved to amend by substituting the "standing committees" instead of "members." Carried.

The question being on the motion as amended, it was decided in the affirmative.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have concurred in

H. J. R. No. 2—Relative to appointing committee on Joint Rules,

And Messrs. Cock, Poe and Wiley are appointed on the part of the Council.

The Chair appointed Messrs. Miles, Caples and Strong, on the part of the House.

Mr. Miles requested leave of absence for to-morrow. Granted.

On motion of Mr. Miles,

The hour for convening of the House from day to day, was fixed at 10 o'clock, A. M.

On motion of Mr. Smith,

The House adjourned.

FRIDAY, December 5th, 1856.

House met pursuant to adjournment.

Under a call of the roll, Messrs. Clark, Kiser, Knight, Phillips and Smith were absent.

Journal of Thursday read and approved.

Mr. Blankenship, from committee on Printing, to which had been referred Governor's message, &c., reported that the committee was unable to report at present, and asked till Wednesday next to make report. Granted.

Mr. Strong, from joint committee on Joint Rules, reported as follows:

Mr. SPEAKER:—I am instructed by the committee on Joint Rules to report to the House that, in conjunction with the committee appointed by the Council, they have attended to the duty assigned them, and recommend for adoption the following Rules:

JOINT RULES:

1. In every case of an amendment of a bill, agreed to in one house and dissented to in the other, if either house shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed upon by their chairmen, meet and state to each other verbally or in writing as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the house, by the door-keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. All bills introduced into either house shall forthwith be reported to the other house by their title.

5. While bills are on their passage between the two houses, they shall be on paper, and under the signature of the Clerk of each house respectively.

6. Neither house shall take any action upon a bill while the same is in possession of the other house.

7. Every bill or joint resolution, after being enrolled, shall be examined by the Joint Committee on Enrolled Bills, consisting of at least two members from each House, who shall compare the same with the engrossed bills and correct any errors they may discover so as to make it

agree therewith, and make their report forthwith to their respective houses.

8. Every bill or joint resolution, reported to have been duly enrolled, shall be first signed by the Speaker of the House of Representatives, (who shall send the same to the Council,) then by the President of the Council.

9. When a bill or resolution, which shall have passed in one house shall be rejected in the other, notice thereof shall be given to the house in which the same shall have passed.

10. When a bill or resolution, which has been passed in one house shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that house in which it shall be renewed.

11. Each House shall transmit to the other, with the Bill or Resolution, all papers on which such bill or resolution shall be founded.

12. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

13. The President of the Council and the Speaker of the House shall cause the Chief Clerk of each house to number the bills originating in their respective houses.

14. The Printing Committee of the two Houses shall compose a Joint Committee.

All of which is respectfully submitted,

(Signed,) WILLIAM STRONG,
Acting Chairman.

On motion of Mr. Kelly,

The report was adopted, and the Council informed thereof.

Mr. Meeker offered the following resolution :

Resolved, That the Clerk be instructed to furnish to the Territorial Printer a copy of the Rules and Orders adopted by this House, together with a list of its officers and members ; also, of its Standing Committees, with instructions to print one hundred copies for the use of this House.

Which was adopted.

Absent members came in and took their seats.

Mr. Henness moved to take from the table the motion to go into election of a Chaplain;

On motion of Mr. Kelly,

The motion was laid on the table.

The Chair presented the petition of Mary Wright of Island county, praying a divorce from Thomas S. Wright.

On motion of Mr. Chapman,

The petition was referred to the committee on the Judiciary.

Message from the Council by their Clerk :

Mr. SPEAKER :—I am instructed to inform the House that the Council have adopted the Joint Rules and Orders reported by the Joint Committee under H. J. R. No. 2, relative to the appointment of a Joint Committee on Joint Rules and Orders.

On motion of Mr. Strong,

The House adjourned.

SATURDAY, December 6, 1856.

House met pursuant to adjournment.

Journal of Friday read and approved.

Mr. Clark moved that the further calling of the roll be dispensed with unless otherwise ordered by the House. Lost.

Mr. Strong moved that the House now adjourn. Lost.

Mr. Caples asked for a further call of the roll.
Roll called. Absent—Mr. Wilson.

Mr. Smith moved to re-consider the vote on the motion to dispense with the further calling of the roll.
Mr. Strong moved to lay the motion on the table. Carried.

On motion of Mr. Clark,

House adjourned.

MONDAY, December 8, 1856.

House met pursuant to adjournment.

Absent—Mr. Meeker.

Journal of Saturday read and approved.

Mr. Miles moved that the Judiciary committee be instructed to report on the expediency of condensing and revising all laws relating to the probate court; and also, report a bill at an early day extending the jurisdiction of said court to all civil actions now cognizable before the justice's court, with an extended jurisdiction of dollars; which,

On motion of Mr. Huntington,

Was laid on the table.

Mr. Judson moved to re-consider the vote to lay on the table. Carried.

The question then being on the adoption of the motion,

It was decided in the negative.

Mr. Caples gave notice that on to-morrow, or some future day, he should introduce a bill to more specifically define the duties of county commissioners.

Mr. Judson called the attention of the House to the subject of appropriations made by the Congress of the United States for light houses in Washington Territory.

Mr. Strong made the following motion:

That the committee on Commerce be instructed to enquire into the causes of the delay in erecting light houses in this Territory, for which appropriations have been made by Congress, and report at as early a day as practicable, what, if any action, is required on the part of the Legislative Assembly.

Which was adopted.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed to inform the House that the following are the titles of bills introduced in the Council:

C. B. No. 1—An act to repeal the exemption law;

C. B. No. 2—An act to amend an act entitled, "an act to amend an act relating to the construction and maintaining of roads;"

C. B. No. 3—An act to repeal an act authorizing James C. Cochran to establish a ferry across the Chehalis river;

Also, that the Council have passed

C. B. No. 3—An act to repeal an act authorizing James C. Cochran to establish a ferry across the Chehalis river.

C. B. No. 3—An act to repeal an act authorizing James C. Cochran to establish a ferry across the Chehalis river,

Was read first time and ordered to a second reading.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

C. J. R. No. 1—Relative to the appointment of a joint select committee to revise the statutes of the Territory relative to the terms of court.

Joint resolution read a first time.

On motion of Mr. Caples,

Rules suspended and read a second time.

On motion of Mr. Strong,

Rules further suspended, and read a third time and passed.

Messrs. Strong, Morrow and Hinkley were appointed said committee on the part of the House, and the Council informed thereof.

Mr. Clark moved that the committee on Memorials be instructed to take under consideration the recent act of Congress providing that the U. S. District courts shall not be held in more than three places in any one Territory, and report at the earliest day a memorial asking a repeal of that law.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to inform the House that Messrs. Denny and Wiley are appointed a committee on the part of the Council under the provisions of

C. J. R. No. 1—Relative to the appointment of a joint select committee to revise the statutes of this Territory relative to terms of court.

Mr. Strong moved to lay on the table the motion of Mr. Clark; and, upon this motion demanded ayes and noes, which were as follows:

Those voting in the affirmative were—

Ayes—Messrs. Caples, Hinkley, Kelley, Kiser, Knight, Longmyer, Prebstel, Rutledge, Strong and Wilson.—10.

Those voting in the negative were—

Nays—Messrs. Baker, Blankenship, Briscoe, Chapman, Clark, Giesey, Henness, Huntington, Judson, Miles, Morrow, Phillips, Rhoeder, Smith and Mr. Speaker.—15.

So the House refused to lay the motion on the table.

Upon the adoption of the original motion, Mr. Strong called for a division of the question.

The first part of the question, after being divided, was stated by the Chair as follows:

"That the committee on Memorials be instructed to take under consideration the recent act of Congress providing that the U. S. District courts shall not be held in more than three places in any one territory,"

Decided in the affirmative.

A vote then being taken on the second division of the question, viz: "that they report at the earliest day, a memorial asking the repeal of that law," it was decided in the affirmative also.

Mr. Miles asked leave to introduce a bill for an act to dissolve the bonds of matrimony existing between Xavier Kathman and Katharine Kathman his wife.

Mr. Caples objected.

Mr. Clark moved that leave be granted. Carried.

Mr. Miles then introduced,

H. B. No. 1—An act to dissolve the bonds of matrimony existing between Xavier Kathman and Katharine Kathman, his wife.

Read first time; and,

On motion of Mr. Clark,

Referred to committee of whole House.

House resolved itself into committee of the whole to take into consideration H. B. No. 1—Mr. Clark in the Chair.

After some time spent in committee of the whole, the committee rose, and reported through their chairman that the subject be indefinitely postponed.

On motion of Mr. Clark,

The report was laid on the table.

On motion of Mr. Miles, House adjourned.

MUESDAY, December 9, 1856.

House met pursuant to adjournment.

Journal of Monday read and approved.

Mr. Henness, upon leave being granted, introduced,

H. B. No. 2—An act to amend an act relating to elections and the mode of supplying vacancies;

Read first time; and,

On motion of Mr. Strong,

Referred to committee on the Judiciary.

Mr. Giesey, upon leave being granted, introduced,

H. B. No. 3—An act to establish and define the southern boundary of Chehalis county;

Read first time, and referred to committee on Counties.

Mr. Kelley gave notice that, on to-morrow or some future day he should introduce a bill to amend an act establishing a common school system for the Territory of Washington.

Business from the Council—

C. B. No. 3—An act to repeal an act authorizing James C. Cochran to establish a ferry across the Chehalis river;

Was read a first time; and,

On motion of Mr. Strong,

Referred to a select committee, consisting of Messrs. Judson and Miles.

Mr. Clark moved to adjourn. Lost.

Message from the Council by their Clerk—

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the following is the title of a bill this day introduced in the Council:

C. B. No. 4—An act to incorporate the Puget Sound Institute.

Also, the Council have passed

C. J. R. No. 2—Relative to printing bills, &c.

Mr. Baker moved to take from the table the motion to go into election of Chaplain.

On this motion, the ayes and nays were demanded, and the result was as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Clark, Henness, Hinkley, Huntington, Judson, Longmyre, Miles, Phillips, Rutledge, Wilson and Mr. Speaker —13.

Those voting in the negative were—

Messrs. Briscoe, Caples, Chapman, Giesey, Kelley, Kiser, Knight, Meeker, Morrow, Prebstel, Rhoeder, Smith and Strong—13.

There being a tie vote, the Chair decided the motion lost.

House adjourned.

WEDNESDAY, December 10, 1856.

House met pursuant to adjournment.

The journal of Tuesday was read and approved.

Mr. Blankenship, from committee on Printing to which had been referred the Governor's message with accompanying documents, &c., asked further time till to-morrow to make report. Granted.

Mr. Judson, upon leave being granted, introduced,

H. J. R. No. 3—Relative to expediency of two houses going into joint convention for election of public officers.

Which was read a first time; and,

Rules suspended, read 2d and 3d times and passed.

Business from Council—

C. J. R. No. 2—Relative to joint committee on printing;

Was read first time; and,

The rules being suspended, was read 2d and 3d times and passed.

Mr. Miles, from select committee to whom had been referred

C. B. No. 3—An act to repeal an act authorizing James C. Cochran to establish a ferry across the Chehalis river,

Reported the same back and recommended its passage; which,

On motion of Mr. Strong,

Was laid on the table.

Mr. Judson offered the following motion:

That the Sergeant-at-Arms be requested to procure maps of this Territory, on which are traced the county lines.

Which was adopted.

Mr. Clark, from committee on Judiciary to which had been referred petition of Mary Wright of Island county, made the following report:

The committee on Judiciary to whom was referred the petition of Mary Wright praying a divorce from the bonds of matrimony, have had the same under consideration, and instructed me to report the same back to the House with a bill entitled,

H. B. No. 4—An act to dissolve the bonds of matrimony exsting between Thomas S. Wright and Mary Wright,

And recommend its passage,

(Signed,) FRANK CLARK, Ch'n.

On motion of Mr. Clark,

The House resolved itself into committee of the whole to take into consideration the bill reported by the committee—Mr. Clark in the Chair.

After some time spent in committee of the whole, committee rose, and reported the same back to the House and recommended its passage.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed to inform the House that the following is the title of a bill introduced in the Council:

C. B. No. 5—An act to repeal all laws for the levying of Territorial revenue:

House resumed the consideration of report of committee of the whole; when,

On motion of Mr. Henness,

The bill was laid on the table, and made the order of the day for Tuesday next.

House adjourned.

THURSDAY, December 11, 1856.

House met pursuant to adjournment.

Journal of Wednesday read and approved.

Mr. Miles, from committee on Indian Affairs, upon leave being granted, reported,

H. B. No. 5—An act to prohibit trade with, and employment of northern Indians;

Read first time.

Mr. Miles moved to refer the bill to committee on the Judiciary.

Mr. Clark moved to amend by referring to select committee composed of delegations from Island, Jefferson, Whatcom and Clallam counties.

The Chair decided amendment out of order, as the effect of it would be to make the Speaker of the House chairman of special committee.

The question then recurring on the motion of Mr. Miles, to refer to committee on the Judiciary, it was lost, and the bill took its ordor for second reading on to-morrow.

Mr. Judson, from committee on Roads and Highways, to which had been referred petition of citizens of Lewis county, praying a review of a part of the Territorial road leading from Cathlamett to the house of S. S. Ford, in response to prayer of petitioners, reported

H. B. No. 6—An act to review so much of the Territorial road leading from Cathlamette to the House of Sidney S. Ford, as lies between L. A. Davi's and Thomas Ford's dwelling house.

Read first time, and ordered to second reading.

Mr. Blankenship, from committee on Printing to which had been referred the Governor's message and accompanying documents, made the following report:

MR. SPEAKER:—The committee on Printing, to whom had been referred back the Governor's message and documents, would respectfully report that they have had the same under consideration, and instructed me to report the same back to the House with the recommendation that there be printed five hundred copies of the message; and fifteen hundred copies of the message with the accompanying documents for the use of the House.

All of which is respectfully submitted,

(Signed,) G. C. BLANKENSHIP,

Chairman.

On motion of Mr. Clark,

So much of the report as relates to printing five hundred copies of the message, was adopted,

Mr. Miles moved to adopt that part which recommends the printing of fifteen hundred copies of message and accompanying documents.

Mr. Clark moved to lay the motion on the table, and make it the order of the day for Monday next. Lost.

A vote then being taken on the motion of Mr. Miles, it was decided in the affirmative.

Mr. Kelley, upon notice previously given, introduced,

H. B. No. 7—An act to amend the common school laws of Washington Territory.

Read first time, and referred to committee on Elections.

Mr. Kelley, upon leave being granted, introduced

H. J. R. No. 4—Relative to printing laws in Pioneer and Democrat;

Read first time, and referred to committee on Printing.

Mr. Miles moved to re-consider vote on adoption of report of committee on Printing.

Which motion prevailed.

The original motion to adopt part of report of committee on Printing, then being before the House,

Mr. Clark moved to lay it on the table, and make it the order of the day for Wednesday next. Lost.

Mr. Chapman moved to amend the report by inserting after the word "documents" where it last occurs, the words "for the use of the House."

Which was adopted.

On the question to adopt the report as amended, the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Chapman, Giesey, Henness, Hinkley, Judson, Kelley, Kiser, Knight, Longmyer, Morrow, Prebstel, Rhoeder, Rutledge and Sirong—17.

Those voting in the negative were—

Messrs. Caples, Clark, Huntington, Meeker, Phillips, Wilson and Mr. Speaker—7.

Mr. Clark asked leave of absence till Monday next. Granted.

On motion,

The House adjourned.

FRIDAY, December 12, 1856.

House met pursuant to adjournment.

Journal of Thursday read and approved.

Mr. Blankenship, from committee on Printing, to which had been referred

H. J. R. No. 4—Relative to publishing laws in Pioneer and Democrat;

Reported the same back with a recommendation that it pass.

Mr. Judson, upon leave being granted, introduced

H. B. No. 8—An act authorizing L. H. Davis to establish a ferry across the Chehalis river;

Read first time and ordered to a second reading.

H. B. No. 5—Act to prohibit trade with northern Indians;

Was read a second time; and,

On motion of Mr. Strong,

Referred to committee on Judiciary.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the following is the title of a bill introduced in the Council:

C. B. No. 6—An act relating to Indians.

And the Council have adopted

C. J. R. No. 3—Relative to report of Fred. W. Lander, civil engineer.

Also, that the Council have passed

C. B. No. 4—An act to incorporate the Puget Sound Institute;

H. B. No. 6—Was read second time, and ordered to be engrossed for third reading.

H. J. R. No. 4—Relative to publishing laws in Pioneer and Democrat;

Under a suspension of the rules, was read second and third times, passed, and the Council informed thereof.

Business from Council—

C. J. R. No. 3—Relative to report of Fred. W. Lander, civil engineer,

Was read first time and ordered to second reading.

C. B. No. 4—Act to incorporate Puget Sound Institute,

Was read first time and ordered to second reading.

Mr. Caples, by unanimous consent, introduced

H. B. No. 9—An act to amend an act relating to elections and the mode of supplying vacancies;

Which was read first time; and,

The rules being suspended, it was read second time. When,

Mr. Henness moved to refer to committee on Elections. Lost.

Mr. Strong moved to strike out the second section of the act.

Which was adopted.

Under a further suspension of the rules, bill read third time, passed and title agreed to.

Mr. Henness asked and obtained leave of absence till Monday.

On motion, the House adjourned.

SATURDAY, December 13, 1856.

House met pursuant to adjournment.

Journal of Friday read and approved.

Mr. Strong, from special committee to whom had been referred the subject of revising laws, asked further time to make report. Granted.

Second reading of bills—

H. B. No. 8—An act authorizing L. H. Davis to establish a ferry across the Chehalis river;

Was read a second time; and,

On motion of Mr. Strong,

Amended by striking out last section of bill.

Ordered to be engrossed for third reading.

Mr. Strong moved to instruct Clerk to engross all bills ordered to be engrossed for third reading.

Which was adopted.

C. B. No. 4—Act to incorporate Puget Sound Institute,

Was read a second time; and,

On motion of Mr. Strong,

Referred to committee on Corporations.

C. J. R. No. 3—Relative to report of Fred. W. Lander, civil engineer,

Was read second time; and,

Ordered to be engrossed for third reading.

H. B. No. 6—An act to review so much of the Territorial road leading from Cathlamett to the House of Sidney S. Ford, as lies between L. A. Davi's and Thomas Ford's dwelling house.

Was read third time, passed, and title agreed to.

On motion,

The House adjourned.

MONDAY, December 15, 1856.

House met pursuant to adjournment.

Absent—Mr. Clark,

Journal of Saturday read and approved.

Third reading of bills—

H. B. No. 8—An act authorizing L. H. Davis to establish a ferry across the Chehalis river;

Was read a third time, passed and title agreed to.

C. J. R. No. 3—Relative to report of Fred. W. Lander, civil engineer,

Being upon its final passage, the ayes and nays were demanded, and the result was as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Chapman, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Knight, Longmyre, Meeker, Miles, Morrow, Phillips, Prebstel, Rhoeder, Smith, Strong, Wilson and Mr. Speaker—22.

Those voting in the negative were—

Mr. Rutledge—1.

Mr. Judson asked and obtained leave to introduce,

H. B. No. 10—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace."

Read first time.

Mr. Caples asked and obtained leave to present petition of citizens of Clark county, praying a division of said county, accompanied by

H. B. No. 11—An act to create and organize the county of Buchanan.

Mr. Prebstel moved to lay the petition and bill on the table till this day two weeks. Lost.

Mr. Caples moved to refer to committee on counties. Carried.

Mr. Caples, upon notice previously given, introduced

H. B. No. 12—An act to more specifically define the powers and duties of county commissioners in certain cases.

Read first time; and

Referred to committee on the Judiciary.

Message from the Council by Sergeant-at-Arms:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives of the passage of

H. B. No. 9—An act to amend an act relating to elections and the mode of supplying vacancies;

With amendments.

The amendments of Council to H. B. No. 9 were concurred in, and the Council informed thereof.

Mr. Strong, upon leave, introduced

H. B. No. 13—An act relative to the Territorial road leading from Cathlamett to the house of Sidney S. Ford, and to provide for the re-location of certain parts thereof.

Read first time; and

Referred to committee on Roads and Highways.

Mr. Strong moved that the rules be suspended, and H. B. No. 9 considered engrossed and be signed by the Speaker now. Carried.

Message from the Council by their Clerk—

Mr. Speaker:—I am instructed by the Council to inform the House that Messrs. Pagett and Denny of the Council, have been appointed on Joint Committee on Enrolled Bills.

The Chair appointed Messrs. Strong, Caples, and Chapman committee on Enrolled Bills on the part of the House, and the Council were informed thereof.

Mr. Strong, from Joint Committee on Enrolled Bills, by special leave of the House, reported as correctly enrolled,

H. B. No. 6—An act to amend an act entitled, "an act relating to elections and the mode of supplying vacancies."

H. B. No. 9 was then signed by the Speaker and reported to the Council.

Mr. Rutledge moved to take from the table the motion to go into election of a chaplain.

The Chair decided that, under the rules of the House, the motion would not be in order.

Mr. Meeker moved that the committee on Printing be instructed to ascertain at what time the Governor's message and accompanying documents, which have been ordered printed for the use of this House, will be ready for delivery, and to report on the same to-morrow.

Which was adopted.

Message from the Council by their Clerk:

Mr. Speaker;—I am instructed by the Council to inform the House

that the President of the Council has signed

H. B. No. 9—An act to amend an act entitled, "an act relating to elections and the mode of supplying vacancies."

On motion, the House adjourned.

TUESDAY, December 22, 1856.

House met pursuant to adjournment.

Journal of Monday read and approved.

Mr. Briscoe, from committee on Corporations to whom had been referred

C. B. No. 4—An act to incorporate the Puget Sound Institute,

Reported the same back with the following amendments and recommended its passage:

1st. Alter the title of the bill, making it read—"the Puget Sound Wesleyan Institute."

2d. Strike out of the 5th and 6th lines in section first, the names of O. B. McFadden S. S. Ford, and C. Lancaster, and insert the names of Wm. Miller, John Briscoe, G. K. Willard and L. A. Davis.

Mr. Blankenship, from committee on Printing which had been instructed by order of the House of yesterday to ascertain at what time the Governor's message and accompanying documents would be printed, reported that the work would be ready for delivery by the last week of the session, or sooner if possible.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

C. J. R. No. 1—Relative to appointing joint committee to revise the statutes of the Territory relative to terms of court;

Also,

C. J. R. No. 2—Relative to joint committee on printing;

The Speaker gave notice that he would now sign said Joint Resolutions.

On motion of Mr. Strong,

Ordered, That the committee on Printing be instructed to procure for the use of the House 50 copies of the late act of Congress relative to the courts of the Territories.

H. B. No. 10—An act to amend an act entitled an act relative to justices of the peace and constables, and the practice before justices of the peace;

Being upon its second reading; was,

On motion of Mr. Strong,

Referred to committee on the Judiciary.

Reports from Standing Committees—

Report of committee on Corporation on
C. B. No. 4—An act to incorporate the Puget Sound Institute;
Was taken up; and,

On motion of Mr. Strong,

Referred to committee of the whole House,

Mr. Strong in the Chair.

After some time spent in committee of the whole House upon the amendments to
C. B. No. 4—An act to incorporate the Puget Sound Institute, as reported by the committee on Corporations, the committee rose, and reported through their chairman, that they have had the same under consideration and ask leave to sit again.

Mr. Clark moved that the report of the committee be adopted.
Which motion prevailed.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed to inform the House that the following is the title of a bill introduced in the Council:

C. B. No. 7—An act creating the office of Territorial Financial Agent, and defining his duties;

And that the President of the Council has signed
Joint resolution relative to the appointment of a joint select committee to revise the statutes of the Territory relative to terms of courts,

And a joint resolution relative to the printing of bills, &c.

Also, that the Council have passed

C. J. R. No. 4—Relative to the non-payment of United States Jurors.

On motion,

The House adjourned.

WEDNESDAY, December 17, 1856.

House met pursuant to adjournment.

The journal of Tuesday was read and approved.

Mr. Phillips, from committee on Counties to whom had been referred,

H. B. No. 3—An act to establish and define the southern boundary of Chehalis county;

Reported the same back to the House without amendment, and recommended its passage.

Mr. Judson, from committee on Roads and Highways, to whom had been referred

H. B. No. 13—An act relative to the Territorial road leading from Cathlamett to the House of Sidney S. Ford, and provide for the re-location of certain parts thereof,

Reported the same back without amendment, and recommended its passage.

Mr. Rutledge moved that the committee on Printing be instructed to procure the printing of all bills after their first reading.

Which motion prevailed.

Mr. Prebstel gave notice that on to-morrow, or some future day, he would introduce a bill to establish the rates of ferriage across the Columbia river in Clarke county.

C. B. No. 4—An act to incorporate the Puget Sound Institute;

With amendments reported by committee on Corporations, being the

business in which the House was engaged at the time of its adjournment yesterday, was called up in its order.

Mr. Strong moved that the House now go into committee of the whole on said bill.

Mr. Clark rose to a point of order: That the motion of the gentleman from Wahkiakum was out of order, because the bill was placed among the orders of the day by virtue of Rule 39, it being under discussion when the House last adjourned, and consequently, the bill could not be taken up until the orders of the day were reached in the regular order of business, without a suspension of Rule 40th,

Which point of order the Chair overruled.

The Chair decided that the bill and report of the committee thereon were not unfinished business, within the meaning of Rule 39, and that the motion of Mr. Strong was in order.

Mr. Clark appealed from the decision of the Chair.

The question being—"Will the House sustain the decision of the Chair?"

Upon this question Mr. Clark demanded the ayes and nays, which were as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Henness, Hinkley, Huntington, Judson, Kiser, Longmyer, Meeker, Rhoeder, Rutledge and Strong—13.

Those voting in the negative were—

Messrs. Caples, Chapman, Clark, Giesey, Kelley, Knight, Miles, Morrow, Phillips, Prebstel, Smith and Wilson—12.

So the House sustained the decision of the Chair.

The Chair stated that the question now before the House was the adoption of the amendments recommended by by the committee on Corporations on C. B. No. 4.

Mr. Clark rose to a point of order: That the action of the House of yesterday, by the adoption of the report of the committee of the whole, placed the bill beyond the reach of the House until further action and report by a committee of the whole House.

Which point of order the Chair overruled.

The Chair decided that the adoption of the report of the committee

of the whole by the House, without granting it leave to sit again, dissolved the committee and left the bill before the House.

Mr. Clark again appealed from the decision of the Chair.

On the question of sustaining the decision of the Chair, the ayes and nays were demanded, which being ordered were as follows :

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Giesey, Henness, Hinkley, Huntington, Judson, Kiser, Knight, Longmyer, Phillips, Prebstel, Rhoeder, Rutledge, Strong and Wilson.—18.

Those voting in the negative were—

Messrs. Chapman, Clark, Kelley, Meeker, Miles, Morrow and Smith—7.

So the House refused to sustain the appeal.

Mr. Strong now renewed his motion to go into committee of the whole House to take into consideration

C. B. No. 4—Act to incorporate the Puget Sound Wesleyan Institute,

Together with amendments proposed by committee on Corporations.

Which motion prevailed, and the House resolved itself into committee of the whole to take into consideration said bill and amendments.

Mr. Miles in the Chair.

After some time spent in committee of the whole, the committee rose, reported the same back to the House with amendment, and recommended its passage.

On the question of adopting the amendments to section first, it was decided in the affirmative.

Mr. Strong moved to amend section five by striking out "alter" in 2d line, and inserting "repeal."

On this question Mr. Strong demanded the yeas and nays which being ordered were as follows :

Those voting in the affirmative were—

Messrs. Chapman, Clark, Giesey, Judson, Kelley, Knight, Miles, Morrow, Prebstel, Rhoeder, Smith, Strong and Wilson—13.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Henness, Hinkley, Huntington, Kiser, Longmyer, Meeker, Phillips, Rutledge and Mr. Speaker—13.

There being a tie vote, the Chair decided the motion to amend lost.

Mr. Miles moved to adjourn. Lost.

Mr. Strong moved to strike out the 6th section of the bill.
Which motion prevailed.

Mr. Morrow moved to adjourn. Lost.

Mr. Clark moved that the bill be engrossed and read a third time now.

Which motion prevailed.

On the question—"Shall the bill now pass?" the ayes and nays were demanded, and, being ordered, were as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Longmyer, Meeker, Miles, Phillips, Prebstel, Rhoeder, Rutledge, Strong, Smith and Wilson—24.

Those voting in the negative were—

Messrs. Knight and Morrow—2.

Mr. Clark moved to amend the title of the bill so as to read—"An act to incorporate the Puget Sound Wesleyan Institute."

Which was adopted.

The title of the bill as amended, was then agreed to.

Mr. Kelley moved to adjourn. Lost.

Mr. Miles moved that when the House adjourn, it adjourn till three o'clock this afternoon.

Which was adopted.

On motion of Mr. Clark,

The House adjourned.

AFTERNOON SESSION.

Mr. Strong, from joint committee on Enrolled Bills, reported as correctly enrolled,

C. J. R. No. 3—Relative to report of Fred. W. Lander, civil engineer.

The Speaker gave notice that he would now sign said joint resolution.

Mr. Clark, upon leave, introduced,

H. J. R. No. 5.—Relative to adjournment over the holidays.

Which was read first time; and,

Rules suspended and resolution read a second time.

Under a further suspension of the rules, read third time and passed.

Reports of Standing Committees:

H. B. No. 3—An act to establish and define the southern boundary of Chehalis county;

Having been reported back from committee on Counties with a recommendation that it pass, was taken up, read a second time; and,

Ordered to be engrossed for third reading.

H. B. No. 13—An act relative to the Territorial road leading from Cathlamett to the house of Sidney S. Ford, and to provide for the re-location of certain parts thereof;

Which had been reported back from committee on Roads and Highways with recommendation that it pass,

Was read a second time; and,

Ordered to be engrossed for third reading.

Business from Council—

C. J. R. No. 4—Relative to the non-payment of United States Jurors;

Was read first time; and,

Under a suspension of the rules, read a second time now.

Mr. Strong moved an amendment to the joint resolution; so as to include all unpaid jurors fees and expenses of court since 1849;

Which was adopted; and,

Under a further suspension of the rules, the resolution was read a third time and passed.

C. J. R. No. 5—Relative to final muster roll of Co. A, second regiment W. T. Volunteers,

Was read first time and ordered to second reading.

Mr. Clark moved that the rules be suspended, and the resolution be read a second time now.

Which motion did not prevail.

On motion of Mr. Clark,

The Clerk was instructed to report to the Council the passage of C. J. R. No. 4, and H. J. R. No. 5.

Orders of the Day:

H. B. No. 4—An act to dissolve the bonds of matrimony existing between Thomas S. Wright and Mary Wright,

Being the order of the day for yesterday, was taken up,

Read second time; and,

Ordered to be engrossed for third reading.

On motion of Mr. Kelly,

The House adjourned.

THURSDAY, December 18, 1856.

House met pursuant to adjournment.

Journal of Wednesday read.

Mr. Strong moved to make a correction in that part of the Journal which records the first action on C. B. No. 4—An act to incorporate the Puget Sound Institute; by erasing the following words: "being the business in which the House was engaged at the time of its adjournment yesterday;"

Which motion did not prevail; and the Journal stood approved as read.

Mr. Knight, by consent of the House, offered the reasons for himself and Mr. Morrow in voting against

C. B. No. 4—Act to incorporate Puget Sound Institute:

Having voted against the passage of C. B. No. 4—An act to incor-

porate the Puget Sound Institute, we desire that our objections may be placed on the Journal, to wit: The granting of special privileges without a repealing clause."

(Signed,) JOEL KNIGHT,
WM. M. MORROW.

By leave of the House, Mr. Miles gave the following as his reasons for voting the passage of

C. B. No. 4—An act to incorporate the Puget Sound Institute:

My understanding of C. B. No. 4, is that future Legislative Assemblies may repeal said act, and otherwise effectually destroy the institution.

(Signed,) HENRY MILES.

Mr. Prebstel, upon leave, introduced,

H. B. No. 14—An act to establish the rates of ferriage across the Columbia river in Clarke county.

Read first time; and,

On motion of Mr. Caples,

Referred to committee on Corporations.

Leave being granted, Mr. Knight introduced,

H. B. No. 15—An act denying appeal from decisions of justices of the peace in civil suits, where the trial is by jury, and where the jury is called by either of the parties, and agreed to by the other;

Read first time; and

Referred to committee on the Judiciary.

C. J. R. No. 5,—Relative to final muster roll of Co. A, second regiment W. T. volunteers;

Being on its second reading, was taken up.

On motion of Mr. Miles,

House resolved itself into committee of the whole to take into consideration C. J. R. No. 4.

Mr. Miles in the Chair.

After some time spent in committee of the whole, the committee rose, and reported through their chairman that they had made progress, and asked leave to sit again, with power to send for persons and papers.

On the question—"Shall the Committee have leave to sit again?"

Mr. Strong demanded the yeas and nays, which being ordered were as follows:

Those voting in the affirmative were—

Messrs. Baker, Briscoe, Caples, Chapman, Clark, Giesey, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Phillips, Prebstel, Rhoeder, Smith, Wilson and Mr. Speaker—21.

Those voting in the negative were—

Messrs. Blankenship, Henness, Morrow, Rutledge and Strong—5.

So the committee had leave to sit again, and the next meeting of the House assigned as the time for its sitting.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the following is the title of a bill introduced in the Council:

An act to amend an act entitled, "an act to exempt certain property from execution;"

That the President of the Council has signed

C. J. R. No. 3—Relative to report of Fred. W. Lander, civil engineer;

And that the Council have concurred in House amendments to C. B. No. 4, and agreed to the title as amended—"An act to incorporate the Puget Sound Wesleyan Institute;"

That the Council have non-concurred in House amendments to C. J. R. No. 4—Relative to the non-payment of U. S. Jurors;

Also, the Council have passed

H. J. R. No. 5—Relative to adjournment over the holidays,

With amendments.

On motion, the House adjourned.

Friday, December 19, 1856.

House met pursuant to adjournment.

Journal of Thursday read and approved.

Mr. Knight, from committee on Education, to whom had been referred

H. B. No. 7—An act to amend the common school laws of Washington Territory.

Reported the same back to the House without amendment, and recommended its passage.

Mr. Meeker moved that the rules be suspended, and

C. J. R. No. 4—Relative to non-payment of U. S. Jurors, be taken up now for action.

Which was lost.

Mr. Clark moved that the rules be suspended, and business from the Council be now taken up;

Which motion prevailed.

C. J. R. No. 4—Relative to non-payment of U. S. Jurors,

Which had been amended by the House, was taken up.

Mr. Clark moved that the House recede from its amendment to said joint resolution;

And upon this motion, Mr. Clark called the previous question.

On the question—"Shall the main question be now put?"

It was decided in the affirmative.

The main question being now put—"Will the House recede from its amendment to C. J. R. No. 4—Relative to non-payment of U. S. Jurors?"

It was decided in the affirmative.

H. J. R. No. 5—Relative to adjournment over the holidays,

With amendments by the Council, was taken up; and,

On motion of Mr. Clark,

Amendments of Council concurred in.

Mr. Clark gave notice that he should offer an amendment to Rule 32.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

C. J. R. No. 7—Relative to the payment of jurors and witness fees due to citizens of Washington Territory while embraced in Oregon Territory;

Also, of

C. M. No. 1—Praying for the construction of a military road from Fort Steilacoom on Puget Sound, to the military post at Bellingham Bay;

On motion of Mr. Clark,

The House resolved itself into committee of the whole to take into consideration

C. J. R. No. 5—Relative to final muster roll of Company A, second regiment W. T. volunteers;

Mr. Miles in the Chair.

After some time spent in committee of the whole, committee rose, and reported progress and asked leave to sit again.

Which was granted, and the next meeting of the House fixed as the time for the sitting of the committee.

Mr. Meeker moved that when the House adjourn it adjourn till two o'clock this afternoon.

Which was adopted.

On motion of Mr. Miles, House adjourned.

AFTERNOON SESSION.

On motion of Mr. Meeker,

The House again resolved itself into committee of the whole on

C. J. R. No. 5—Relative to final muster roll of Company A, W. T. volunteers;

Mr. Miles in the Chair.

After some time spent in committee of the whole, committee rose, reported progress, and asked leave to sit again.

On the question—"Shall the committee have leave to sit again?"

It was decided in the affirmative; and,

To-morrow morning designated as the time of its sitting.

On motion,

The House adjourned.

SATURDAY, December 20, 1856.

House met pursuant to adjournment.

Journal of Friday read and approved.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

H. R. No. 5—Relative to adjournment over the holidays.

Also,

H. J. R. No. 4—Relative to publishing laws in Pioneer and Democrat,

Mr. Caples gave notice that on some future day he should introduce a Memorial to the Congress of the United States, asking of said body an appropriation for the early extinguishment of the rights of the Hudson Bay and Puget Sound Agricultural Co. in the Territory of Washington.

On motion of Mr. Miles,

The rules were suspended, and

C. M. No. 1—Praying an appropriation for a military road from Fort Steilacoom to Bellingham Bay,

Was taken up and read a first time.

Rules suspended and read a second time.

Rules further suspended, and read a third time. passed, and the Council informed thereof.

C. J. R. No. 5—Relative to final muster roll of Company A, W. T. volunteers,

Was taken up; and,

On motion of Mr. Clark,

The House resolved itself into committee of the whole House to take into consideration said Joint Resolution.

Mr. Miles in the Chair.

After some time spent in committee of the whole, committee rose, reported progress and asked leave to sit again.

On motion,

Leave was granted the committee to sit again, and the next meeting of the House designated as the time for its sitting.

On motion of Mr. Miles,

The House adjourned till two o'clock, this afternoon.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Strong moved to adjourn. Lost.

On motion of Mr. Meeker,

The House resolved itself into committee of the whole to take into consideration

C. J. R. No. 5—Relative to final muster roll of Company A, second regiment W. T. volunteers;

Mr. Miles in the Chair.

After some time spent in committee of the whole, committee rose, and reported progress and asked leave to sit again.

On motion of Mr. Smith,

Leave was granted, and Monday next assigned as the time for the the committee to sit again.

On motion of Mr. Kelley,

The House adjourned.

MONDAY, December 22, 1856.

House met pursuant to adjournment.

Journal of Saturday read and approved.

C. J. R. No. 5—Relative to final muster roll of Company A, W. T. volunteers,

Being still on its second reading,

On motion of Mr. Clark,

The House resolved itself into committee of the whole House to take into consideration said Joint Resolution.

Mr. Miles in the Chair.

After some time spent in committee of the whole, committee rose, reported progress and asked leave to sit again.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that the Council have passed

C. B. No. 2—An act to amend an act entitled, "an act to amend an act relating to the construction and maintaining of roads;"

And that the President of the Council has signed

Joint Resolution relative to adjournment over the holidays,

And Joint Resolution relative to the non-payment of U. S. Jurors.

Mr. Caples moved that when the House adjourn it adjourn till two o'clock this afternoon.

Which motion prevailed.

On motion of Mr. Meeker,

Leave was granted the committee to sit again, and the next meeting of the House designated as the time for its sitting.

On motion, the House adjourned.

AFTERNOON SESSION.

Mr. Caples gave notice that, on Wednesday morning at ten o'clock, A. M., he should move the previous question on

C. J. R. No. 5,—Relative to final muster roll of Co. A, second regiment W. T. volunteers.

On motion of Mr. Strong,

The House again resolved itself into committee of the whole on

C. J. R. No. 5—Relative to final muster roll of Company A, W. T. volunteers;

Mr. Miles in the Chair.

After some time spent in committee of the whole, committee rose, reported progress, and asked leave to sit again.

On motion of Mr. Meeker,

Leave was granted the Committee to sit again, and the next meeting of the House assigned as the time.

On motion of Mr. Strong,

House adjourned till seven o'clock, this evening.

EVENING SESSION.

On motion of Mr. Clark,

The House again resolved itself into committee of the whole to take into consideration

C. J. R. No. 5—Relative to final muster roll of Co. A, second regiment W. T. Volunteers,

Mr. Miles in the Chair.

After some time spent in committee of the whole, there not being a quorum within the bar of the House, the Chairman declared the committee dissolved.

The Speaker resumed the Chair, and called the House to order.

Absent members came in and took their seats.

Mr. Clark moved that the joint resolution be ordered to a third reading now, and on this motion called the previous question.

Mr. Strong rose to address the House on the previous question, but was ruled out of order.

Mr. Strong appealed from the decision of the Chair.

The Chair decided all discussion on appeal to be out of order.

Mr. Clark moved to lay the appeal on the table;

Which motion prevailed.

Mr. Strong again rose to address the House; when

The Chair ruled all discussion out of order while the previous question was pending.

Mr. Strong again appealed from the decision of the Chair.

The Chair ruled said appeal out of order, and proceeded to put the question—"Shall the joint resolution be now ordered to a third reading?"

Upon this question the ayes and nays, were demanded, which being ordered, were as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark, Hinkley, Huntington, Kelley, Knight, Meeker, Miles, Phillips, Prebstel, Smith, Wilson and Mr. Speaker.—14.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Henness, Judson, Kiser, Longmyer, Morrow, Rhoeder, Rutledge and Strong—12.

So the resolution was ordered to a third reading.

On motion of Mr. Kelley,

The House adjourned.

TUESDAY, December 23, 1856.

House met pursuant to adjournment.

Journal of Monday read, corrected and approved.

Mr. Clark, upon notice previously given, offered an amendment to Rule thirty-second, as follows:

"On the main question no member shall speak more than twice without leave."

After some discussion on the motion to amend, it was,

On motion of Mr. Rutledge,

Laid on the table till 8th January, 1857.

On motion of Mr. Strong,

Ordered, That the late Chairman of the committee of the whole report to the House the testimony taken before said committee.

C. J. R. No. 5—Relative to final muster roll of Company A, W. T. volunteers, being on its final passage,

Mr. Henness enquired if an amendment to the resolution would be in order.

The Chair decided that an amendment would be in order on third reading.

Mr. Henness then offered the following amendment to the reslution:

Whereas, there appears to be some difficulty about the final muster roll of Company A, second regiment W. T. volunteers, arising out of certain resolutions adopted by said company on the 28th day of June, 1856, while still in service; And whereas, this Legislative Assembly are satisfied that said company, in all other respects, did their duty during their period of enlistment; And whereas, we are desirous that no obstacle should be placed in the way of the final payment for their services, and are fearful that, should these resolutions remain on file in the department relative to military affairs for the inspection of the military commission, it will not only jeopardize the claims of that company, but will tend to give color to the charges that have been made, that the whole volunteer organization was useless from insubordination. Therefore,

Resolved, That we recommend that those resolutions be withdrawn from the files by the members of said company, and that, on their being withdrawn, said company's muster rolls be received, and they placed on an equal footing with other companies.

Which, being read,

Mr. Clark rose to a point of order—That the proposed amendment amounted to a substitute for the resolution.

The Chair decided the point of order well taken, and ruled the amendment out of order.

Mr. Strong appealed from the decision of the Chair.

On the question—"Shall the decision of the Chair be sustained?" the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark, Giesey, Hinkley, Huntington, Kelley, Knight, Meeker, Miles, Phillips, Prebstel, Smith and Wilson —14.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Henness, Judson, Kiser, Longmyer, Morrow, Rutledge, Rhoeder and Strong—11.

So the decision of the Chair was sustained.

Mr. Strong moved that the evidence taken in committee of the whole House, be now read.

Pending which,

On motion of Mr. Miles,

House adjourned.

WEDNESDAY, December 24, 1856.

House met pursuant to adjournment.

The journal of Tuesday was read and approved.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

C. M. No. 1—Praying an appropriation for a military road from Fort Steilacoom to Bellingham Bay; also,

C. B. No. 4—An act to incorporate the Puget Sound Wesleyan Institute.

The Speaker gave notice that he would now sign said Memorial and Bill.

Mr. Strong gave notice that he should, on some future day of the session, move to amend Rule 22d, by striking out in the 6th line, "and no new bill or resolution of a public nature shall be received except it be reported by a committee, unless the House otherwise order."

C. B. No. 5, was read a first time; and
Referred to committee on Roads and Highways.

C. J. R. No. 7—Relative to the payment of jurors and witness fees due to citizens of Washington Territory while embraced in Oregon Territory;

Was read first time; and
Referred to committee on Memorials.

C. J. R. No. 5—Relative to final muster roll of Company A, second regiment W. T. volunteers, being on its final passage,

Mr. Kelley called for the previous question.

On the question—"Shall the main question be now put?"

Mr. Henness rose to a point of order: That Mr. Smith, of King, had no right to vote on this question, under Rule 27.

The Chair decided appeal out of order.

Mr. Henness appealed from decision of the Chair.

Mr. Clark moved to lay appeal on the table.

On this motion the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark, Hinkley, Huntington, Judson, Kelley, Knight, Meeker, Miles, Phillips, Prebstel, Smith and Wilson—14.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Henness, Kiser, Longmyer, Morrow, Rhoeder, Rutledge and Strong—11.

So the appeal was laid on the table.

The question now recurring on putting the main question, the ayes and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark, Hinkley, Huntington, Judson, Kelley, Knight, Meeker Miles, Phillips, Prebstel, Smith, Strong, Wilson and Mr. Speaker—16.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Henness, Kiser, Longmyer, Morrow, Rhoeder and Rutledge—10.

Mr. Strong moved to re-consider the vote just taken.

Mr. Kelley moved to lay the motion to re-consider on the table, and make it the order of the day for 4th of July next.

Which motion prevailed.

On the question—"Shall the joint resolution now pass?"—the ayes and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark, Hinkley, Huntington, Judson, Kelley, Knight, Meeker, Miles, Phillips, Prebstel, Smith, Wilson and Mr. Speaker—15.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Henness, Kiser, Longmyer, Morrow, Rhoeder, Rutledge and Strong—11.

So the joint resolution passed.

Ordered, That the Clerk inform the Council thereof.

Third reading of bills—

H. B. No. 4—An act to dissolve the bonds of matrimony existing between Thomas S. Wright and Mary Wright,

Was read a third time.

On the question—"Shall the bill pass?"

Mr. Strong rose to a point of order, under Rule 43, which provides that no act or resolve shall be passed affecting the rights of individuals without previous notice to such individuals.

The Chair decided against the point of order.

On the final passage of the bill, the ayes and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Blankenship, Briscoe, Caples, Chapman, Clark, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Miles, Meeker, Morrow, Prebstel, Rhoeder, Rutledge, Smith, Wilson and Mr. Speaker —21.

Those voting in the negative were—

Messrs. Baker, Giesey, Longmyre, Phillips and Strong—5.

So the bill was passed and its title agreed to, and the Council informed thereof.

H. B. No. 13—An act relative to the Territorial road leading from Cathlamett to the House of Sidney S. Ford, and provide for the re-location of certain parts thereof,

Was read third time, passed, and title agreed to.

H. B. No. 3—An act to establish and define the southern boundary of Chehalis county;

Coming up for final passage, was,

On motion of Mr. Briscoe,

Indefininitely postponed.

On motion of Mr. Clark,

Ordered, That the Clerk be instructed to inform the Council that the House are now ready to adjourn in accordance with H. J. R. No. 5—relative to adjournment over the holidays.

H. B. No. 7—An act to amend the common school laws of Washington Territory,

Having been reported back from committee on Education, with recommendation that it pass, was taken up.

Mr. Clark moved to go into committee of the whole on said bill. Lost.

Mr. Henness moved to lay the bill on the table, and make it the order of the day for 8th January, 1857. Carried.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that the President of the Council has signed

C. M. No. 1—Praying for the construction of a military road from Fort Steilacoom on Puget Sound, to the military post at Bellingham Bay; also,

C. B. No. 4—An act to incorporate the Puget Sound Wesleyan Institute.

Mr. Strong, from joint committee on Enrolled Bills, reported as correctly enrolled,

H. B. No. 6—"An act to amend an act entitled, 'an act relating to elections and the mode of supplying vacancies;'" and

C. J. R. No. 5—Relative to final muster roll of Company A, W. T. volunteers,

The Speaker gave notice that he would now sign said Bill and Joint Resolution.

Mr. Miles gave notice that he would, on the tenth day of January next, or soon thereafter, introduce a joint resolution asking the separation of the offices of Governor and Superintendent of Indian affairs.

Mr. Huntington gave notice that he should at some future day of the session, introduce a bill to define the duties of assessor.

Mr. Judson gave notice that he should, at some future day of the session, take some steps to obtain information in relation to light houses in this territory.

Mr. Strong gave notice that he should, at a future day of the session, introduce a bill to equalize taxation.

Mr. Clark moved that the Governor's message be taken up and made the special order of the day for 6th January, 1857. Carried.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed to inform the House that the Council is now ready to adjourn in pursuance of House Joint Resolution No. 5.

Mr. Meeker gave notice that at early day of the session, he should present a memorial to this body praying Congress to so amend the organic act of this Territory, that the people may elect their own Governor, Judges and Secretary.

On motion, the House adjourned.

MONDAY, January 5, 1857.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Journal of Saturday read and approved.

Absent—Messrs. Baker and Strong.

Mr. Morrow presented H. M. No. 1—For the relief of Michael T. Simmons.

Read first time; and

On motion of Mr. Chapman,

Referred to committee on Memorials.

Mr. Meeker presented H. M. No. 2—Praying Congress to amend 11th section of organic act of Washington Territory.

Mr. Judson presented petition of citizens of Lewis and Thurston counties for review of so much of Territorial road from Olympia to Monticello as lies between L. H. Davis' and J. W. Goodell's dwelling house,

and also, to locate a territorial road from J. W. Goodell's to David Kindred's dwelling house in Thurston county;

Was read first time; and,

Referred to committee on Roads and Highways.

Mr. Judson, from committee on Roads and Highways, which committee had had under consideration the several amendments to the road law of this Territory, made the following report:

Mr. Speaker:—The Committee on Roads and Highways have under consideration the different acts of the years 1854–55, and 1856.

We find that, of the laws of 1854, sixteen sections are repealed by an act of 1855; and also find four important sections in 1856.

The committee are of opinion that to amend the road laws still further, and publish such amendments under the laws of 1857, would fall far short of accomplishing the object in view, and would render it still more difficult for supervisors to be supplied with the laws.

We therefore recommend the revision of the entire road laws, which will contain about sixteen pages, and the repeal of all former laws on the subject.

(Signed,) CHAS. P. JUDSON,
Chairman Committee.

Mr. Miles moved that the subject matter of the report be referred to the committee on Roads and Highways, with instructions to report a bill.

Which motion prevailed.

Mr. Briscoe, from committee on Corporations, to whom was referred H. B. No. 14—An act to establish the rates of ferriage across the Columbia river in Clarke county,

Reported the same back with amendments and recommended its passage.

Mr. Miles moved that a committee of three be appointed to wait on the Honorable James Tilton, to ascertain whether he has, or will carry into effect, the requirements of C. J. R. No. 5,—Relative to final muster roll of Co. A, second regiment W. T. volunteers, and report on Monday next.

Mr. Henness moved to indefinitely postpone the motion.

Mr. Clark moved to amend by inserting "Wednesday," instead of Monday.

Which prevailed, and the motion, as amended, was adopted.

Messrs. Miles, Caples, and Briscoe were appointed said committee.

Mr. Kelley, upon leave, introduced

H. B. No. 16—An act defining and prescribing the punishment for horse stealing;

Read first time.

Mr. Meeker, upon leave, introduced

H. B. No. 17—An act to amend an act, entitled an act relating to elections and the mode of supplying vacancies;

Was read first time.

Reports of standing committees:

H. B. No. 14—Act establishing the rates of ferriage across the Columbia river in Clarke county,

Which had been reported back from the committee on Corporations, was taken up; and,

On motion of Mr. Meeker,

Was re-committed to said committee, with instructions to make a written report.

Mr. Knight gave notice that he should at some future day of the session, introduce a bill to confer elective franchise upon American half-breeds.

On motion of Mr. Kelley,

The House adjourned.

Tuesday, January 6th, 1857.

House met pursuant to adjournment.

Journal of Monday read, corrected and approved.

Mr. Miles, from committee on Memorials, to whom had been referred,

House Memorial No. 1—For the relief of Michael T. Simmons,

Reported the same back to the House without amendment, and recommended its passage.

On motion of Mr. Clark,

Rules suspended and memorial read a second time.

Under a further suspension of the rules, read third time and passed by yeas and nays as follows:

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyre, Miles, Meeker, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong and Mr. Speaker—25.

Absent—Mr. Wilson.

Mr. Strong, from Committee on Memorials, to whom had been referred

C. J. R. No. 7—Relative to the payment of jurors and witness fees due to citizens of Washington Territory while embraced in Oregon Territory,

Reported a substitute for said joint resolution, and resommended its passage.

On motion of Mr. Clark,

The report of the committee was adopted, and, under a suspension of the rules, the resolution was read a second and third times and passed.

Mr. Judson, upon leave, introduced,

H. B. No. 18—An act to establish a Territorial road from Olympia to tide water in Chehalis county.

Which was read first time; and,

Referred to committee on Roads and Highways.

Mr. Kelley gave notice that on some future day of the session, he should introduce a bill for the incorporation of the City of Vancouver.

Mr. Rutledge gave notice that on some future day of the session, he should introduce a bill to incorporate the Olympia Cemetery.

Mr. Smith gave notice that, on to-morrow, or some future day, he should introduce a bill to secure to all children of this Territory a common school education.

Mr. Giesey, upon leave, introduced

H. B. No. 19—An act to establish and define the southern boundary of Chehalis county;

Which was read a first time.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to inform the House that a bill with the following title has been introduced in the Council:—An act to amend an act creating the office and defining the duties of Territorial Auditor.

Second reading of Bills—

H. B. No. 17—"An act to amend an act entitled, 'an act relating to elections and the mode of supplying vacancies,'"

Was read a second time; and,

On motion of Mr. Clark,

Laid on the table.

H. B. No. 16—An act to punish the crime of horse stealing,

Read second time; and,

On motion of Mr. Strong,

The word "misdemeanor" in the 7th line of section 1, was struck out, and "felony" inserted therefor. Also, in 8th line, "one" inserted instead of "three."

On motion of Mr. Strong,

The bill was further amended by striking out the second section.

Mr. Henness informed the House that since the second section of the bill was struck out, he should vote against its passage.

On the final passage of the bill, the ayes and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Briscoe, Caples, Chapman, Clark, Giesey, Hinkley, Huntington, Judson, Kiser, Kelley, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Prebstel, Rutledge, Rhoeder, Smith, Strong and Wilson—24.

Those voting in the negative were—

Messrs. Blankenship and Henness—2.

So the bill was passed and its title agreed to.

Reports from Standing Committees—

H. B. No. 14—An act establishing the rates of ferriage across the Columbia river in Clarke county,

Which had been reported back from committee on Corporations, with amendments, was taken up; and, pending the action on the amendments,

Mr. Knight moved that the bill be-recommitted to committee on Corporations, with instructions to report a bill to regulate the rates of ferriage at William Ryan's ferry across the Columbia river, in Clarke county;

Which motion prevailed.

Mr. Miles moved that when the House adjourn, it adjourn till two o'clock th is afternoon. Carried.

Mr. Clark moved to go into committee of the whole on the Governor's message. Lost.

Mr. Strong moved that the several parts of the Governor's message be referred to the appropriate committees.

Pending the action on this motion,

The House adjourned.

AFTERNOON SESSION.

Mr. Strong renewed his motion which was pending when the House adjourned this morning, to-wit:

That so much of the Governor's message as refers to the payment of the volunteers in the late Indian war; so much as refers to extending the public surveys; so much as refers to foreign corporations, be referred to the committee on Memorials.

So much as refers to the militia be referred to the committee on Military Affairs;

So much as refers to Indians be referred to the committee on Indian Affairs;

And upon this motion, Mr. Strong demanded the previous question, which was sustained.

On the question—"Shall the main question be now put?"

It was decided in the affirmative.

On the adoption of this motion the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Giesey, Hennees, Hen-

tington, Judson, Kiser, Knight, Longmyer, Meeker, Morrow, Prebstel, Rhoeder, Rutledge, Strong, Wilson and Mr. Speaker—19.

Those voting in the negative were—

Messrs. Hinkley, Kelley, Miles, Phillips and Smith—5.

Mr. Strong moved that all other parts of the message be indefinitely postponed, and on this motion demanded the previous question.

Mr. Kelley moved to lay the motion on the table.

The Chair decided the call for the previous question out of order.

Mr. Strong appealed from the decision of the Chair.

Mr. Miles moved a call of the House.

Which being ordered, Messrs. Chapman and Clark were absent.

Mr. Strong moved to dispense with the further call of the House. Lost.

Mr. Strong moved to adjourn.

On the motion to adjourn, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Huntington, Judson, Kiser, Longmyer, Morrow, Rhoeder, Rutledge, Strong and Wilson—13.

Those voting in the negative were—

Messrs. Caples, Hinkley, Kelley, Knight, Meeker, Phillips, Smith and Mr. Speaker—9.

House adjourned.

WEDNESDAY, January 7, 1857.

House met pursuant to adjournment.

The journal of Tuesday was read and approved.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

C. J. R. No. 8—Relative to the time for the election of Territorial officers.

Also, the Council have adopted House substitute for

C. J. R. No. 7—Relative to the payment of jurors and witness fees due to citizens of Washington Territory while embraced in Oregon Territory.

Mr. Judson, on leave, introduced

H. B. No. 21—An act to locate and establish a Territorial road from Olympia, in Thurston county, to a point on the south shore of Gray's Harbor, in Chehalis county,

Which took its place on the table for first reading to-morrow.

Mr. Meeker moved to re-consider the vote by which parts of the Governor's message were referred to certain standing committees on yesterday.

Upon this question the ayes and nays, were demanded, which being ordered, were as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark, Giesey, Hinkley, Huntington, Meeker, Miles, Phillips, Smith, and Wilson—11.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Henness, Judson, Kelley, Kiser, Knight, Longmyer, Morrow, Prebstel, Rhoeder, Rutledge, Strong and Mr. Speaker—15.

Mr. Miles, from select committee appointed to ascertain whether the provisions of C. J. R. No. 5—Relative to final muster roll of Company A, W. T. volunteers—had been carried into effect, made the following report:

The Select Committee, who were appointed to wait upon Honorable James Tilton, to ascertain whether he has or will carry into effect the reqirements of C. J. R. No. 5, and report on Wednesday next, beg leave to report that they have had an interview with Hon. James Tilton, and informed him of their business, to which he replied, that he would make an answer in writing, which is herewith presented.

He also stated that he had been served with a copy of C. J. R. No. 5, by the Secretary of the Territory.

And your committee recommend that a copy of this report, with the accompanying letter, be transmitted to the Council.

(Signed) HENRY MILES, Chairman.

Letter from the Adjutant General:

OFFICE ADJUTANT GENERAL, W. T. V.,
Olympia, W. T., Jan. 6, 1857.

To the Hon. COUNCIL AND HOUSE OF REPRESENTATIVES,
of Washington Territory:

GENTLEMEN:—I have the honor to reply to Joint Resolution No. 5, instructing me to place on file in the office of the Adjutant General of Washington Territory the final muster roll of Company A.

In obedience to the orders of the Governor and Commander-in-Chief of the W. T. V. forces, I have the final mustar roll of Co. A, on file in my office, with the remarks opposite each man's name, called for by the character of his service, and certified to by the mustering officer, which, together with the official records of the company, I am instructed by the Commander-in-Chief, to have in readiness for the Commission on its assembling.

I am, very respectfully,

JAMES TILTON,
Adj't. Gen. W. T. V.

Second Reading of Bills—

H. B. No. 17—"An act to amend an act entitled, 'an act relating to elections and the mode of supplying vacancies,'"

Coming up for second reading,

Mr. Clark offered an amendment to the bill, which the Chair ruled out of order, as it would amount to a substitute for the bill if adopted.

Mr. Caples moved to indefinitely postpone any further action upon said bill.

Which motion prevailed.

H. B. No. 19—An act to establish and define the southern boundary of Chehalis county;

Was read a second time; and,

On motion of Mr. Briscoe,

Referred to committee on Counties.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

House Memorial No. 1—For the relief of M. T. Simmons.

Also, the Council have indefinitely postponed

H. B. No. 4—An act to dissolve the bonds of matrimony existing between Thomas S. Wright and Mary Wright.

House Memorial No. 2, was read second time; and,

On motion of Mr. Miles,

Referred to committee on Memorials.

H. B. No. 18—An act to establish a Territorial road from Olympia to tide water in Chehalis county,

Was read a second time, and passed to a third reading.

Reports of Committees:

The report of select committee to wait on Adj't. General Tilton,

On motion of Mr. Kelley,

Was adopted; and,

On motion of Mr. Clark,

The report and accompanying papers were transmitted forthwith to the Council.

Business from Council—

C. J. R. No. 8—Relative to election of Territorial officers,

Read first time; and,

Under a suspension of the rules, read a second time, amended, and ordered to a third reading.

Mr. Kelley moved a re-consideration of the vote referring the bill establishing the rates of ferriage on the Columbia river in Clarke county, to the committee on Corporations. Carried.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

C. J. R. No. 7—Relative to payment of expenses of U. S. District Court, while this Territory was embraced in Oregon.

The Speaker gave notice that he would now sign said joint resolution.

Mr. Smith moved that when the House adjourn from day to day, the hour of meeting shall be at 9 o'clock, A. M.

Mr. Clark moved to amend by striking out "9, A. M.," and inserting "one P. M.," "and that there shall be but one session per day."

The amendment was lost, and the original motion was adopted.

On motion of Mr. Miles,

H. B. No. 1—An act to dissolve the bonds of matrimony existing between Xavier Kathman and Katharine Kathman, his wife,

Was taken from the table; and,

On motion of Mr. Miles,

The bill was indefinitely postponed, with leave to withdraw papers.

Mr. Clark moved that when the House adjourn, it adjourn till Friday, 9th instant. Carried.

Mr. Smith moved to adjourn. Lost.

H. B. No. 14—Act establishing the rates of ferriage across the Columbia river in Clarke county,

Being still on its second reading,

Mr. Caples offered the following amendment:

Provided, That nothing in this act shall be so construed as to affect the rates of ferriage already established for any ferry below the mouth of the Cathlapoodle river in said county.

Which was adopted; and the bill ordered to be engrossed for third reading.

Mr. Meeker moved that the committee to whom was referred the alteration of the laws of this Territory to adapt them to the requirements of the act of Congress, approved Aug. 16th, 1856, be instructed to report on Friday, the 9th day of January, 1857.

Which motion prevailed.

Mr. Morrow moved to re-consider the vote. Carried.

Mr. Clark moved to postpone the motion till Mondoy next. Lost.

Mr. Meeker moved to adjourn. Lost.

Mr. Kelly moved to insert "15th January," in lieu of "Friday next." Carried.

Mr. Meeker moved to indefinitely postpone. Lost.

The motion was then adopted.

Mr. Miles gave notice that he should introduce a copy of the laws passed by the Oregon Legislature.

On motion, the House adjourned.

FRIDAY, January 9, 1857.

House met pursuant to adjournment.

Absent—Messrs. Miles and Strong.

Journal of Thursday read and approved.

Mr. Hinkley presented the petition of certain citizens of King county, praying to be set off into a new county, accompanied by a bill to create the county of Madison.

Mr. Wilson presented the petition of A. S. Miller and forty-five others, of Jefferson county, praying to be set off in a new county to be called the county of Madison. Also,

A remonstrance of F. W. Pettigrove and 18 others, of Jefferson county, against any division of said county.

On motion of Mr. Clark,

The petitions, remonstrance and bill were referred to committee on Counties, with instructions to have bill printed.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the Council have passed

H. B. No. 13—An act relative to the Territorial road leading from Cathlamett to the house of Sidney S. Ford, and provide for the re-location of certain parts thereof.

Mr. Judson, from committee on Roads and Highways, to whom had been referred petition of citizens of Lewis and Thurston counties, reported

H. B. No. 22—An act to review of so much of the Territorial road from Olympia to Monticello as lies between L. H. Davis' dwelling house, in Lewis county, and the dwelling house of J. W. Goodell, in Thurston county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county;

Read first time and ordered to a second reading.

Third reading of Bills—

H. B. No. 14—An act establishing the rates of ferriage across the Columbia river in Clarke county,

Was read a third time, passed and title agreed to.

C. J. R. No. 8—Relative to time for election of Territorial officers,

Was read a third time and passed.

H. B. No. 18—An act to establish a Territorial road from Olympia to tide water on the Chehalis river, in Chehalis county,

Was read third time, passed, and title agreed to.

H. B. No. 21—An act to locate a Territorial road from Olympia to Gray's Harbor,

Read first time, and ordered to second reading.

The subject of referring certain parts of the Governor's message, being among the unfinished business of Thursday, was taken up.

Mr. Rutledge moved a call of the House. Carried.

Messrs. Strong and Miles were absent.

Mr. Clark moved to suspend the further call of the House. Carried.

Mr. Kelley moved that that part of the Governor's message which relates to the Pacific rail road, be referred to the committee on Commerce; and that part relating to the orders of Col. Steptoe, forbidding settlers returning to their claims in Walla Walla county, be referred to the committee on Memorials.

Mr. Meeker moved to amend by referring so much as relates to martial law to the committee on the Judiciary.

On the adoption of this amendment, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Briscoe, Caples, Chapman, Clark, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Knight, Meeker, Phillips, Prebstel, Rhoeder, Smith, Wilson and Mr. Speaker—18.

Those voting in the negative were—

Messrs. Baker, Blankenship, Kiser, Longmyer, Morrow and Rutledge—6.

So the amendment prevailed.

The motion as amended, was then adopted.

On motion of Mr. Caples,

☞ The committee were instructed to report at their earliest convenience.

Mr. Kelley gave notice that when the committee reported, he should move the previous question after one day's discussion on the subject.

On motion of Mr. Kelley,

That part of the message relating to the services of the navy was referred to a special committee, with instructions to report a resolution of thanks to the officers and men of the navy in the Sound.

Messrs. Kelley, Wilson and Rutledge were appointed said committee.

Mr. Clark in the Chair.

On motion of Mr. Smith of Island,

So much of the message as relates to the services of the regular army was referred to the committee on Military Affairs; and the remaining portions were referred to committee of Ways and Means.

On motion of Mr. Kelley,

The vote referring part of message to committee on Military Affairs was re-considered.

The original motion was then withdrawn; and,

On motion of Mr. Kelley,

It was referred to committee of whole House, and made the order of the day for Monday next.

H. B. No. 7—An act to amend the common school laws of Washington Territory,

Being the order of the day for 6th inst., was taken up.

Mr. Smith, of King, moved to amend by striking out section one, of said bill. Lost.

Mr. Smith, of King, moved to amend by striking out the second section of said bill. Lost.

Mr. Henness moved to amend by striking out the third section of the bill. Lost.

After amendment to section three, the bill was read a second time; and,

Under a suspension of the rules, read third time and passed.

On motion of Mr. Caples,

House re-considered vote of yesterday indefinitely postponing

H. B. No. 17—An act to amend an act, entitled an act relating to elections and the mode of supplying vacancies.

Mr. Caples moved to lay the bill on the table.

Which motion prevailed.

Mr. Caples, upon leave, introduced

H. M. No. 3—Praying the extinguishment of the rights of the Hudson Bay and Puget Sound Agricultural companies in the Territory of Washington.

Read first time; and

Referred to committee on Memorials.

Mr. Judson moved to re-consider the vote of yesterday, fixing the hour of meeting at 9, A. M. Lost.

Mr. Meeker moved to adjourn. Lost.

Mr. Knight, upon leave, introduced

H. B. No. 23—An act to confer elective franchise upon American half-breeds.

Mr. Smith moved to adjourn. Lost.

Mr. Clark moved that when the House adjourn it adjourn till one o'clock, A. M., to-morrow.

Mr. Kelley moved to lay the motion on the table. Carried.

Mr. Prebstel moved to adjourn.

On this motion the yeas and nays were demanded, which, being ordered, were as follows:

Those voting in the affirmative were—

Messrs. Giesey, Kiser, Meeker, Miles, Phillips, Prebstel, Smith and Mr. Speaker—8.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Henness, Hinkley, Huntington, Judson, Kelley, Knight, Longmyre, Morrow, Rhoeder, Rutledge and Wilson—17.

Mr. Clark moved that when the House adjourn it be to three minutes before ten o'clock, A. M., to-morrow.

Mr. Chapman moved to refer the motion to committee of the whole House.

Mr. Miles moved to adjourn, and on this motion the ayes and nays being ordered, were as follows:

Those voting in the affirmative were—

Messrs. Blankenship, Giesey, Kiser, Meeker, Miles, Phillips, Prebstel, Smith and Mr. Speaker—9.

Those voting in the negative were—

Messrs. Baker, Briscoe, Caples, Chapman, Clark, Henness, Hinkley, Huntington, Judson, Kelley, Knight, Longmyer, Morrow, Rhoeder, Rutledge, and Wilson—16.

Mr. Henness moved to lay Mr. Chapman's motion on the table. Which motion prevailed.

On motion of Mr. Meeker,

The House adjourned.

SATURDAY, January 10, 1857.

House met pursuant to adjournment.

Journal of Monday read, corrected and approved.

Mr. Rutledge, from committee on Elections, reported that they had examined the credentials of Mr. Thorndyke, member elect from Jefferson county, and found them correct.

Mr. Thorndyke then came forward, was sworn in by the Speaker, and took his seat as a member of this house.

On motion of Mr. Clark,

A call of the House was had, and Mr. Miles being absent, the Sergeant-at-Arms was sent after the absentee.

Mr. Clark, from Judiciary committee, to whom had been referred

H. B. No. 12—An act to more specifically define the powers and duties of county commissioners in certain cases.

Reported the same back without amendment, and recommended its passage.

Mr. Phillips, from committee on Counties to whom had been referred

H. B. No. 11—An act to create and organize the county of Buchanan.

Reported the same back to the House without amendment, and without recommendation, and asked to be discharged from the further consideration of the same.

Mr. Rutledge, upon leave, introduced

H. B. No. 24—An act to incorporate the Olympia Cemetery Association.

Laid on table for first reading on Monday.

Mr. Clark gave notice that on Monday next, he should introduce a resolution asking of Congress the repeal of the late law relative to terms of court in the Territories.

Mr. Kelley, on leave, introduced

Joint Resolution relative to the services and pay of Company A, 2d regiment W. T. volunteers.

Laid on table for first reading on Monday.

Mr. Strong, from joint committee on Enrolled Bills, reported as correctly enrolled,

Memorial for the relief of Michael T. Simmons.

The Speaker gave notice that he would now sign said Memorial.

Reports from Standing Committees—

H. B. No. 12—Act to more specifically define the duties of county commissioners in certain cases,

Which had been reported back from committee on Judiciary, was read a second time; and

Ordered to be engrossed for third reading.

H. B. No. 11—An act to organize the county of Buchanan,

Which had been reported back from committee on Counties without recommendation, was taken up.

On the question—"Shall the bill be read a second time?"

Mr. Kelley moved to indefinitely postpone the bill.

Pending which,

On motion of Mr. Clark,

It was on the table.

The Sergeant-at-Arms now returned with Mr. Miles, who stated the cause of his absence, which was deemed satisfactory by the House.

Mr. Huntington, on leave, introduced

H. B. No. 25—An act to amend an act entitled, an act for the assessing and collecting county and Territorial revenue.

Referred to committee on Ways and Means.

Mr. Smith, on leave, introduced

H. B. No. 26—An act to secure to every child in the Territory between the ages of 4 and 21 years, a common school education.

Read first time; and,

Referred to committee on Education.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

H. B. No. 16—An act defining and prescribing the punishment for horse stealing;

That the President of the Council has signed

Memorial for the relief of M. T. Simmons.

Mr. Clark moved that when the House adjourn, it adjourn till ten o'clock in the morning. Lost.

Mr. Clark then moved that the hour of meeting hereafter be at half past 6 o'clock, in the morning.

Mr. Henness moved to lay the motion on the table. Carried.

Mr. Miles moved that a select committee of three be appointed to revise the fee bill.

Which motion prevailed.

The Chair appointed Messrs. Miles, Caples and Thorndyke, said committee.

Mr. Kiser gave notice that on Monday, or some day thereafter, he should introduce a bill for the suppression of gambling.

Mr. Clark moved that the hour of adjournment hereafter be half past 9 o'clock, A. M. Carried.

On motion, the House adjourned.

MONDAY, January 12, 1857.

House met pursuant to adjournment.

Journal of Saturday read and approved.

Mr. Miles presented the petition of J. C. Cochran and others, asking repeal of ferry charter across Chehalis river.

Mr. Hinkley presented the petition of citizens of King county, praying a division of said county.

Referred to committee on Counties.

Mr. Wilson presented petition of S. S. Howard and 27 others, of King county, praying the formation of a new county out of part of King and Jefferson.

Mr. Judson, from committee on Roads and Highways, reported

H. B. No. 28—An act in relation to the construction and maintaining of roads and highways, and defining the duties of supervisors of highways; which,

On motion of Mr. Strong,

Laid on the table and ordered to be printed.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

H. B. No. 16—An act defining and prescribing the punishment for the crime of horse stealing.

H. B. No. 13—An act relative to the Territorial road leading from Cathlamett to the house of Sidney S. Ford, and to provide for the re-location of certain parts thereof;

The Speaker gave notice that he would now sign said joint resolution.

Mr. Clark, from committee on Judiciary, made the following report:

The Committee on the Judiciary, to whom was referred House Bills No. 2, 5, and 10, have had the same under consideration, and have instructed me to report H. B. No. 2—An act to amend an act entitled, an act relating to elections and the mode of supplying vacancies, back to the House with the recommendation that it be indefinitely postponed. Also, a substitute for H. B. No. 5—An act to prohibit trade with, and employment of northern Indians; and to recommend its passage.

And to recommend the indefinite postponement of

H. B. No. 10—An act to amend an act entitled an act relative to justices of the peace and constables, and the practice before justices of the peace;

(Signed,) FRANK CLARK,
Chairman.

Mr. Clark, from Judiciary committee, to whom was referred so much of the Governor's message as relates to the proclamation and enforcement of martial law over the counties of Pierce and Thurston, made the following report:

The committee on Judiciary, to whom was referred that part of the Governor's message that relates to martial law, its proclamation and enforcement over the counties of Pierce and Thurston by the Executive of this Territory, have had the same under consideration, and after carefully examining its history, have instructed me to submit the following statement of facts:

In the latter part of last March, Lion A. Smith, John McLeod, Charles Wren, and others—citizens of the United States, and not belonging to the "volunteer forces," were, by the order of Governor Stevens, taken and confined in the guard house at Fort Steilacoom, to remain until the close of the war, or until a military commission could be convened by His Excellency to try them upon the alleged charge of treason.

The parties thus imprisoned, immediately made application to the Hon. F. A. Chenoweth, United States District Judge for the third judicial district of the Territory of Washington, (the district in which they were confined) praying that a writ of Habeas Corpus might issue, enquiring into the cause of their imprisonment, &c. The prayer was granted, and the writ issued.

Governor Stevens obtained information that the prisoners had procured counsel to make application for the writ, on or about the 2d of April—proclaimed martial law over the county of Pierce the third of April, and enforced it from the date thereof until the 24th of the following month.

Upon the proclamation of martial law, the commander of Fort Steilacoom, (Col. Casey) being apprised of the fact that a writ of Habeas Corpus "was about to issue for the prisoners, and that the Governor had supposed his martial law would suspend the writ of Habeas Corpus, informed His Excellency that if the writ was served upon him he should not regard the proclamation as a justification for a refusal to make due return to the writ. Whereupon, by order of Gov. Stevens, the prisoners

were removed (before service of the writ could be had upon Col. Casey,) to Olympia, Thurston county, in the 2d judicial district. On the 7th day of May, the District Court of the United States for the county of Pierce was, as is required by law, holding its session, when, an armed force. by order of Gov. Stevens, invaded the court house, and while the judge was in exercise of judicial authority, forcibly took him from the bench, arrested the Clerk, and seized the records.

On the 12th day of May, the prisoners again made application for a writ of Habeas Corpus. The application was made to Hon. Edward Lander, Chief Justice, and presiding judge of the district, where they were then held in custody. The application was considered, the writ issued and served upon His Excellency, who, upon the following day, for return thereto, proclaimed martial law over the county of Thurston, and, with an armed force, caused the Judge to be seized and conveyed (a prisoner) to Camp Montgomery, in Pierce county.

And I am further instructed to report, that in the opinion of the committee, His Excellency, by the proclamation of martial law over said counties, could accomplish no other object than the suspension of the writ of Habeas Corpus. Also, a Resolution—H. J. R. No. 9—Relative to the proclamation and enforcement of martial law over the counties of Pierce and Thurston—which is herewith presented, and to recommend its passage.

(Signed,) FRANK CLARK,
Chairman.

Mr. Strong, upon leave, introduced the following resolution :

Resolved, That the committee on Memorials be instructed to prepare a memorial to Congress requesting that the land and naval forces of the United States, who may be employed within this Territory for the purposes of its defence, shall, in their operations therein, so far as is compatible with public interest, be placed under command of the Executive. Which,

On motion of Mr. Rutledge,

Was referred to committee of the whole House, in connection with that part of the Governor's message relating to operations of Col. Steptoe in Walla Walla county, and made the order of the day for to-day.

Mr. Kelley, on leave, introduced
H. B. No. 29—An act to incorporate the city of Vancouver.

Mr. Prebstel, on leave, introduced

H. J. R. No. 7—Instructing our delegate in Congress to have the pre-emption law of 1841, amended.

Lies on the table one day.

Mr. Miles, on leave, introduced

House Memorial No. 4—Praying the separation of the office of Governor and Superintendent of Indian Affairs.

Lies on the table one day.

Mr. Meeker, on leave, introduced

H. J. R. No. 8—Instructing our delegate in Congress to use his influence to procure the passage of an act to secure to settlers on lands in Washington Territory, at the commencement of Indian hostilities, a title to their lands.

Second reading of Bills—

H. B. No. 21—An act to locate and establish a Territorial road from Olympia, in Thurston county, to a point on the south shore of Gray's Harbor, in Chehalis county,

Read second time.

Mr. Strong offered to amend fifth section of the bill so that the commissioners should receive no pay for their services unless by voluntary contribution.

Which amendment prevailed, and the bill as amended, was then ordered to be engrossed for third reading.

H. B. No. 22—An act to review of so much of the Territorial road from Olympia to Monticello as lies between L. H. Davis' dwelling house in Lewis county, and the dwelling house of J. W. Goodell, in Thurston county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county;

Was read a second time; and,

On motion of Mr. Miles,

Re-committed to committee on Roads and Highways.

H. B. No. 24—Act to incorporate the Olympia Cemetery Association,

Was read a first time; and,

On motion of Mr. Clark,

Referred to committee on Corporations.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that bills with the following titles has been introduced in the Council:—

C. B. No. 10—An act to amend an act entitled, an act appointing commissioners to locate a site, and superintend the construction of the penitentiary of Washington Territory.

C. B. No. 11—An act to amend an act entitled, an act realating to elections, and the mode of supplying vacancies.

Also, the President of the Council has signed

H. B. No. 13—An act relative to the Territorial road leading from Cathlamett to the house of Sidney S. Ford, and provide for the re-location of certain parts thereof. Also,

H. B. No. 16—An act to punish the crime of horse stealing,

H. J. R. No. 6—Relative to services and pay of Co. A, 2d regiment W. T. volunteers;

Was read first time and ordered to second reading.

On motion of Mr. Miles,

The report of Judiciary committee relative to proclamation of martial law, was taken up and read.

H. J. R. No. 9—Relative to enforcement of martial law,

Which had been reported by the committee on the Judiciary, with a recommendation that it pass,

Was read first time and ordered to second reading.

Mr. Miles moved to lay on the table. Lost.

Mr. Henness moved to re-commit the resolution to the committee on the Judiciary.

Mr. Strong moved to amend by instructing the committee to report in addition thereto, on General Wool's ordering settlers out of Walla Walla county.

The Chair decided the amendment out of order.

Mr. Strong appealed from decision of the Chair.

On the question—"Shall the decision of the Chair be sustained?" the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark; Hinkley, Huntington, Judson, Kelley, Knight, Meeker, Miles, Phillips, Prebstel, Smith, Thorndyke and and Wilson—15.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Henness, Kiser, Longmyer, Morrow, Rhoeder, Rutledge, and Strong—11.

So the decision of the Chair was sustained.

On motion of Mr. Miles,

H. B. No. 11—An act to organize the county of Buchanan,

Was taken from the table, and read a second time; and,

Pending the question—"Shall the bill be ordered to a third reading?"

On motion of Mr. Henness,

The bill was indefinitely postponed.

Mr. Meeker asked and obtained leave to withdraw the Joint Resolution offered by him this morning, that he might embody additional matter therein.

Mr. Strong asked to be excused from attendance in the House till Thursday next. Granted.

On motion,

The committee entrusted with the revision of the laws relative to terms of court, was instructed to have their report printed.

H. B. No. 5—Act to prohibit trade with northern Indians,

Which had been in hands of Judiciary committee, and for which a substitute had been reported by said committee, was taken up.

The substitute was read a second time; and,

On motion of Mr. Miles,

The bill and substitute were referred to select committee, composed of the delegations from the counties of King, Jefferson, Clallam, Island and Whatcom.

On motion of Mr. Huntington,

The House adjourned.

TUESDAY, January 13th, 1857.

House met pursuant to adjournment.

Journal of Monday read, and, after instructing the Clerk to make certain entries therein, was approved.

Mr. Huntington presented remonstrance of citizens of Lewis county, against the repeal of the ferry charter of J. C. Cochran, across the Chehalis river.

Read, and referred to committee on Corporations.

Mr. Knight, from committee on Education, to whom had been referred

H. B. No. 26—An act to secure to every child in the Territory between the ages of 4 and 21 years, a common school education,

Reported the same back to the House without amendment, and without recommendation.

Mr. Phillips, from committee on Counties, to whom had been referred

H. B. No. 27—An act to create and organize the county of Madison,

Reported the same back with amendment, and recommended its passage.

Mr. Judson, from committee on Roads and Highways, to whom had been referred,

H. B. No. 22—An act to review of so much of the Territorial road from Olympia to Monticello as lies between L. H. Davis' dwelling house, in Lewis county, and the dwelling house of J. W. Goodell, in Thurston county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county;

Reported the same back with the following amendments:

Amend the first section in the second line, by striking out the names of Levi S. Gates, and Henry N. Stearns, and inserting Henry Miles and L. H. Davis, and by inserting the following proviso:

Provided, Nothing contained in this act, shall in any manner affect the location of that part of the Territorial road lying between Olympia and J. W. Goodell's, in Thurston county, as at present established and located by law.

Mr. Chapman, from committee on Ways and Means, to whom had been referred

H. B. No. 25—An act to amend an act entitled, an act for the assessing and collecting county and Territorial revenue,

Reported the same back with amendments, and recommended its passage.

Mr. Meeker, upon leave, introduced the joint resolution offered and withdrawn by him on yesterday, to wit:

H. J. R. No. 8—Instructing our delegate in Congress to use his influence to procure the passage of an act to secure to settlers on lands in Washington Territory, at the commencement of Indian hostilities, a title to their lands.

Lies on the table one day.

Mr. Speaker laid before the House the annual reports of the Territorial Auditor and Treasurer, which were laid on the table and ordered to be printed.

Mr. Baker, upon leave, introduced

H. B. No. 30—An act to amend an act respecting executors, administrators, and the distribution of real and personal estate.

Referred to committee on Judiciary.

Mr. Kiser, on leave, introduced

H. B. No. 31—An act to amend an act entitled, an act relating to gaming and gaming contracts; which,

On motion of Mr. Kelley,

Was referred to committee on Education.

Mr. Hinkley, on leave, introduced

H. B. No. 32—An act to repeal an act to amend an act regulating marriage; which was,

On motion of Mr. Miles,

Referred to select committee of five.

The Chair appointed Messrs. Miles, Hinkley, Briscoe, Caples and Prebstel.

On motion,

Mr. Briscoe was excused from said committee.

On motion of Mr. Rutledge,

Mr. Caples was also excused.

The Chair appointed in lieu thereof Messrs. Henness and Rutledge.

On motion,

Mr. Henness was excused.

The Chair appointed Mr. Smith in lieu of Mr. Henness.

On motion of Mr. Huntington,

Messrs. Prehstel and Rutledge were excused from said committee.

The Chair appointed Messrs. Huntington and Meeker in lieu thereof.

Second reading of Bills—

H. J. R. No. 6—Relative to services and pay of Co. A, 2d regiment W. T. volunteers;

Was read a second time, and passed to a third reading.

H. J. R. No. 9—Relative to the proclamation and enforcement of martial law over the counties of Pierce and Thurston,

Was read a second time.

Mr. Kelley moved it be read a third time on 23d January.

Pending the action on this motion,

Mr. Clark in the Chair—

Mr. Smith, of Island, offered an amendment to the preamble, in words as follows:

And whereas, in his message to this body, he "invites a rigid scrutiny into the necessity of his proclamation, and the means taken to enforce it."

Which amendment was adopted.

Mr. Kelley withdrew his motion.

Mr. Briscoe moved to continue the joint resolution on its second reading till Thursday next.

Which motion prevailed.

The Speaker resumed the Chair.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that the Council have passed

H. B. No. 18—An act to establish a Territorial road from Olympia to tide water in Chehalis county, with amendments.

H. B. No. 14—Act establishing the rates of ferriage across the Columbia river in Clarke county.

Also, the Council have passed

C. J. R. No. 7—Requesting Commander Swartwout, U. S. N., to continue to cruise in the northern waters of this Territory.

And that I am instructed to return herewith at its request,

C. J. R. No. 8—Relative to the time for the election of Territorial officers.

Third reading of Bills—

H. B. No. 21—An act to locate a Territorial road from Olympia to Gray's Harbor,

Was read a third time, passed, and title agreed to.

H. B. No. 12—Act to more specifically define the duties of county commissioners in certain cases,

Was read third time, passed, and title agreed to.

House Memorial No. 4—Praying the separation of the offices of Governor and Superintendent of Indian Affairs,

Read first time and ordered to a second reading.

H. B. No. 29—An act to incorporate the city of Vancouver,

Read first time, and ordered to second reading.

H. J. R. No. 7—Instructing our delegate in Congress to have the pre-emption law of 1841, amended,

Was read first time and ordered to second reading.

Reports from standing Committees—

H. B. No. 22—An act to review so much of the Territorial road from Olympia to Monticello, as lies between L. H. Davis' dwelling house, in Lewis county, and the dwelling house of J. W. Goodell, in Thurston county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county;

Which had been reported back from committee on Roads and Highways with amendments, and recommendation of its passage, was taken up, and amendments adopted.

On motion of Mr. Miles,

The bill was further amended, by inserting a substitute for section five.

The bill, as amended, was then read a second time; and,

Ordered to be engrossed for third reading.

H. B. No. 27—Act to create and organize the county of Madison,

Which had been reported back from committee on Counties with amendments,

Was read first time.

The amendments to the body of the bill were adopted.

On motion of Mr. Miles,

The amendment to the name of the county as recommended by the committee, to-wit: "Kitsap," instead of "Madison," was struck out, and "Slaughter" inserted therefor.

Under a suspension of the rules, the bill was read a second time;

Under a further suspension of the rules, bill read third time, passed and title agreed to.

H. B. No. 25—An act to amend an act to provide for the assessing and collecting Territorial and county revenue,

Which had been reported back from committee on Ways and Means with amendments, was read first time; and,

On motion of Mr. Clark,

Laid on the table.

Mr. Miles, on leave, introduced the following resolution:

Resolved, That the committee on Corporations be instructed to prepare and report as soon as is practicable, a general law providing for the manner in which donations of land for burial or other public purposes, may be dedicated to the public, and also, the manner in which they should be regulated.

Which was adopted.

H. B. No. 2—Act to amend act relating to elections and the mode of supplying vacancies,

Which had been reported back from Judiciary committee, with recommendation for its indefinite postponement,

Was read a second time, and laid on the table.

H. B. No. 10—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace,"

Which had been reported from same committee, with like recommendation,

Was read second time, and laid on table.

H. B. No. 26—An act to secure to all children of the Territory of

Washingtoe, between the ages of four and twenty-one years, a common school education,

Which had been reported back from committee on Education without recommendation, coming up for second reading,

Mr. Kelley moved its indefinite postponement.

Pending which,

Mr. Meeker moved to lay the bill on the table.

Which motion prevailed.

Business from Council—

H. J. R. No. 4—Relative to publishing laws in Pioneer and Democrat,

Which had beeen amended by the Council, was taken up, and the amendment concurred in.

On motion of Mr. Meeker,

The House adjourned.

WEDNESDAY, January 14, 1857.

House met pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Morrow moved the re-consideration of the vote of yesterday morning, approving of the Journal of Monday. Carried.

After some time spent in the consideration of the correctness of the Journal,

On motion of Mr. Smith,

The Journal of Monday stood approved.

Mr. Phillips, from select committee, to whom had been referred

H. B. No. 5—An act to prohibit the employment of, and trade with northern Indians, together with a substitute therefor,

Reported the substitute back with amendments, and recommended its passage.

Mr. Kelley, from select committee, to whom had been referred that portion of the Governor's message relating to the navy of the United States acting on the waters of the Sound, reported

Memorial praying that an armed steamer and barges be stationed within the waters of Puget Sound, and recommended its passage.

Mr. Huntington, on leave, introduced

H. B. No. 33—An act to amend an act entitled, an act to increase county revenue.

Read first time.

Third reading of Bills—

H. B. No. 22—An act to review parts of the Territorial road from Olympia to Monticello, and to establish a Territorial road between the house of J. W. Goodell and Olympia.

Was read a third time, passed, and its title agreed to by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Henness, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Thorndyke, Wilson and Mr. Speaker—25.

Those voting in the negative were—

Mr. Hinkley.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the Council have passed

Council Memorial No. 2—Relative to apprenticing Indian Minors.

Also, that a bill of the following title has been introduced in the Council:

An act to provide for the printing of the laws in the Pioneer and Democrat.

H. J. R. No. 6—Relative to pay and services of Co. A, W. T. volunteers,

Coming up for third reading,

Mr. Clark moved to re-consider the vote of yesterday, ordering the same to a third reading.

Which motion prevailed.

The resolution now being on its second reading,

Mr. Kelley offered an amendment, which was adopted.

On motion of Mr. Henness,

The resolution was laid on the table.

Mr. Miles moved to instruct committee on Printing to have the printed copy of said resolution ready for next meeting of the House. Carried.

Mr. Caples, from joint committee on Enrolled Bills, reported as correctly enrolled,

Joint Resolution relative to publishing laws in Pioneer and Democrat.

An act estsblishing the rates of ferriage aeross the Columbia river, in Clarke county.

The Speaker gave notice that he would now sign said joint resolution and bill.

H. J. R. No. 8—Instructing our delegate in Congress to use his influence to procure the passage of an act to secure to settlers on lands in Washington Territory, at the commencement of Indian hostilities, a title to their lands.

Was read first time; and,

Rules suspended and read a second time;

Under a further suspension of the rules, the resolution was read a third time and passed by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Thorndyke, Wilson and Mr. Speaker—26.

Reports of Committees:

H. B. No. 5—An act to prohibit the employment of, and trade with northern Indians,

Which had been reported back from select committee with amendments,

Mr. Miles in the Chair.

On the adoption of the first amendment, viz: "strike out the words

trade or traffick with" the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were—

Messrs. Caples, Huntington, Knight, Meeker, Morrow, Phillips, Rhoeder, Smith, of King, Smith, of Island, Thorndyke, Wilson and Mr. Speaker—12.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Chapman, Clark, Giesey, Henness, Hinkley, Judson, Kelley, Kiser, Longmyer, Prebstel and Rutledge —14

So the House refused to adopt the amendment.

Mr. Smith, of Island, moved to lay the bill on the table.

Which motion prevailed.

Mr. Kelley, from select committee, to whom had been referred that portion of the Governor's message relating to the navy of the United States acting on the waters of the Sound, reported

House Memorial No. 5—Praying that an armed steamer and barges be stationed within the waters of Puget Sound,

Which was read a first time.

On motion of Mr. Henness,

The rules were suspended, and the memorial read second and third times and passed.

Mr. Meeker moved to instruct select committee to whom had been referred H. B. No. 32, to report forthwith. Lost.

Mr. Giesey moved to adjourn. Lost.

Mr. Meeker moved that the committee on Memorials be instructed to report on House Memorial No. 2, on the 15th day of January, 1857. Carried.

On motion of Mr. Kelley,

The House adjourned.

THURSDAY, January 15, 1857.

House met pursuant to adjournment.

Journal of Wednesday read.

Mr. Knight, from committee on Education, to whom had been referred

H. B. No. 31—An act to amend an act entitled, an act relating to gaming and gaming contracts,

Reported the same back and recommended its passage.

Mr. Rutledge from committee on Elections to whom had been referred

H. B. No. 23—An act to confer elective franchise upon American half-breeds,

Reported the same back with amendments, and recommended its passage.

Second reading of Bills—

H. B. No. 33—An act to amend an act entitled, an act to increase county revenue,

Was read a second time; and,

Mr. Strong offered to amend as follows: "or that they believe he will soon become notorious in that respect."

Mr. Clark moved to lay the bill on the table. Lost.

The amendment was then adopted.

Mr. Huntington moved a re-consideration of the vote on the amendment. Carried.

Mr. Chapman moved to refer to committee of the whole House.

Mr. Clark moved to lay the motion on the table. Carried.

Mr. Meeker moved to lay the bill on the table. Lost.

The question then recurring on the adoption of the amendment, it was lost.

Mr. Caples offered to amend as follows:

Provided, That nothing in this act shall be so construed as to take effect or be in force in Clarke county.

Mr. Strong offered an amendment to the amendment—to strike out Clarke county, and insert Cowlitz. Lost.

The question then recurring on the amendment, it was decided in the negative.

Mr. Kelley moved to strike out "im," in the word "immoral."

Mr. Hinkley moved to suspend the rules and read the bill a third time now. Pending which,

Mr. Henness moved to refer the bill to committee on Corporations. Lost.

The question then recurring—"Shall the bill be ordered to be engrossed for a third reading?"

It was decided in the affirmative, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Briscoe, Hinkley, Huntington, Judson, Kiser, Longmyer, Miles, Phillips, Rhoeder, Rutledge, Smith, Thorndyke and Mr. Speaker—14.

Those voting in the negative were—

Messrs. Blankenship, Caples, Chapman, Giesey, Henness, Kelley, Knight, Meeker, Morrow, Prebstel, Strong and Wilson—12.

So the bill was ordered to a third reading.

Mr. Prebstel moved to suspend the rules and read the bill a third time now. Lost.

Third reading of Bills—

H. J. R. No. 6—Relative to pay and services of Co. A, W. T. volunteers,

Being continued on its second reading from yesterday, coming up for third reading,

Mr. Kelley offered an amendment as follows: strike out the words "being in a state of," in 4th line.

Mr. Clark called for the previous question;

Shall the main question be now put?—It was decided in the affirmative.

The question was then put on the amendment offered by Mr. Kelley,

Which was adopted.

Mr. Strong called for the reading of the testimony referred to in the resolution.

The Chair decided that the testimony being very lengthy, and having been once heard by the members of the House, could not be read without an order of the House.

Mr. Strong offered the following protest:

The undersigned would protest against being called upon to vote upon House Joint Resolution No. 6, because the call for the reading of

the testimony referred to in the resolution, having been refused, we cannot vote understandingly,

WM. STRONG,
JOHN BRISCOE,
JAMES LONGMYER,
WM. M. MORROW,
H. RHOEDER,
C. GIESEY,
DANIEL KISER,
G. C. BLANKENSHIP,
B. L. HENNESS,
WM. RUTLEDGE,
C. B. BAKER.

"On the question—"Shall the resolution be read a third time?"

It was decided in the affirmative.

"Shall the joint resolution now pass?"—It was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark, Hinkley, Huntington, Judson, Kelley, Knight, Meeker, Miles, Phillips, Prebstel, Smith, Thorndyke, Wilson and Mr. Speaker—16.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Henness, Kiser, Longmyer, Morrow, Rhoeder, Rutledge and Strong—11.

So the joint resolution was passed.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed with amendments,

H. B. No. 7—An act to amend the common school laws of Washington Territory,

H. J. R. No. 9—Relative to enforcement of martial law over the counties of Pierce and Thurston,

Was taken from the table.

Mr. Smith moved that when the House adjourn, it adjourn till two o'clock, P. M. Carried.

On motion of Mr. Strong,

The House adjourned.

AFTERNOON SESSION.

H. J. R. No. 9—Relative to the proclamation and enforcement of martial law over the counties of Pierce and Thurston,

Being under consideration when the House adjourned this morning, was taken up,

On motion of Mr. Miles,

H. J. R. No. 6—Relative to services and pay of Co. A, 2d regiment W. T. volunteers;

Was reported to the Council.

Mr. Henness moved the re-consideration of the vote of this morning, granting leave of absence to Mr. Clark. Carried.

Mr. Clark now withdrew his request for leave of absence.

Mr. Briscoe, from committee on Judiciary, to whom had been referred that part of the Governor's message relating to proclamation of martial law, by leave of the House, made the following report of the minority of the Judiciary Committee:

MR. SPEAKER:—The undersigned, member of the committee of the Judiciary, to whom was referred so much of the Governor's message, as refers to the subject of martial law, in as much as he can neither agree to the statement of facts, nor to the recommendation contained in the report of the majority of said committee, begs leave to present the following minority report of the facts of the case, as he has ascertained them, and the conclusions to which he has arrived. It is an undisputed fact, that at the commencement of the month of March last, and for some time previous and subsequent thereto, we were in a state of war with hostile Indians, who were devastating our settlements, murdering our citizens, and driving nearly all Americans into the villages and block-houses for protection. And it is, furthermore, well known to be a fact that, while the Indians were thus driving in all American settlers, L. A. Smith, John McLeod, Charles Wren, and others who are referred to in the majority report, lived in security upon their claims, although their claims were in the very centre of the hostile country, and the Indians passed and repassed through their neighborhood in their hostile incursions. This, coupled with the fact that these men were old employees of the Hudson Bay Company, and most, if not all of them, intermarried with Indian women, belonging to the hostile tribes, and from their long intercourse with Indians, were more inclined to sympathise with them than the whites, had

led to the general belief that they were assisting the Indians in their war against the whites, furnishing them with food and ammunition, and conveying intelligence to them of all contemplated movements on the part of the whites who were in pursuit of the hostiles. So general was this belief, that the entire community demanded their removal from their claims, and the Major of the Southern battalion, Major Maxon, who was in pursuit of the Indians, informed the Commander-in-Chief that, unless these men were removed from their claims, and cut off from all communication with the Indians, it would be idle to carry on the war; and his whole battalion would be compelled to leave the field.

Such being the case, early in March, these men were ordered to leave their claims and move into the settlements, provision being made by the Governor that as little damage should accrue to them as was possible. They came in without it being necessary to resort to force to compel them, but as the troops in the field found them constantly passing and repassing from the settlements to their claims, contrary to positive orders from the Governor, their position became more dangerous than before, and the commander of the troops having received information that they were in constant intercourse with the hostiles, had them seized about the last of March, and sent in under guard, and for a short time, they were confined in the guard house at Steilacoom. Under the orders of the Governor, they were afterwards brought to Olympia, and, until about the 14th of May, were upon their parole at Olympia, Steilacoom and Nesqually—allowed to pass back and forth—only restricted from visiting their claims.

As war was raging in that very vicinity between the whites and those Indians with whom they were connected by ties of marriage and habits of intimacy, martial law was declared, or proclaimed, over Pierce county on the 2d of April, in consequence of reliable information that these men were sought to be released by legal technicality, and with a view of keeping them as far from their claims as might be necessary to prevent their intercourse with the hostiles.

The undersigned is also of the opinion that this was the sole object of the proclamation and maintaining of martial law over the counties of Pierce and Thurston. Taking into consideration, therefore, the state of the country at that time—that the place where these men resided, was in a state of war, and indeed, was war ground, and beyond the reach of civil process—that the judge of the district was at home too ill to attend to his official duties, and the two other judges of the Territory were in arms in the volunteer forces—that the loyalty of these men to their recently assumed national obligations was more than suspected—that the universal voice of both citizen and volunteer, demanded that they should

be taken care of and not permitted to hold intercourse with the hostile Indians—that this was all that was done under martial law, and this much for the purpose of preventing them from returning to the hostile country—that while it was done firmly, it was so kindly and considerately that no complaint has been made from those who were affected by the proclamation.

The undersigned cannot justify in recommending a legislative censure. So far as a suspension of the court is concerned, the undersigned would enquire whether Judge Lander, whose court is alleged to have been broken up, who had, early in the war acted in the volunteer forces under a commission received from Acting-Governor Mason, had not, by the very acts, acknowledged the legality of the organization; and having done so, whether, for the time being, he was not subject to military discipline, and the orders of his Commander-in-Chief, and to arrest for disobedience. And whether, under such circumstances, it was competent in him to hold a court, and at pleasure, sink the military rank and obligation, and assume the Judge, reversing the operation at pleasure? As the undersigned does not profess to be a lawyer, he is unable to perceive the distinction attempted to be drawn between a commission under the Acting-Governor and the Governor in person, and will leave that for the legal profession to decide.

The accompanying documents are submitted as a part of this report. And, under all the circumstances, would respectfully recommend that the further consideration of martial law be indefinitely postponed.

JOHN BRISCOE.

[For Accompanying Documents of this Report, *vide* Appendix to this Journal, marked B.]

The report was received and laid on the table.

On the question of reading the resolution a third time, it was decided in the affirmative.

The Joint Resolution was then passed by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Caples, Chapman, Clark, Giesey, Hinkley, Huntington, Judson, Kelley, Knight, Meeker, Miles, Phillips, Prebstel, Smith, Thorndyke, Wilson and Mr. Speaker—17.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Henness, Kiser, Longmyer, Morrow, Rhoeder, Rutledge, and Strong—10.

So the Joint Resolution was passed.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the Council have passed

H. J. R. No. 6—Relative to services and pay of Co. A, 2d regiment W. T. volunteers.

On motion, the House adjourned.

FRIDAY, January 16, 1857.

House met pursuant to adjournment.

Journal of Thursday read and approved.

On motion of Mr. Clark,

H. J. R. No. 9—Relative to the proclamation and enforcement of martial law over the counties of Pierce and Thurston,

Was reported forthwith to the Council.

On motion of Mr. Henness,

The Clerk was instructed to request of the Council the return of H. B. No. 27—An act to create and organize the county of Slaughter, that clerical errors may be corrected in the same.

Mr. Miles, from select committee, to whom had been referred

H. B. No. 32—An act to repeal an act to amend an act regulating marriage;

Reported the same back without amendment, and recommended its passage.

Mr. Meeker moved that a select committee of three be appointed to take into consideration the law relative to probate courts, and report at an early day. Carried.

The Chair appointed Messrs. Meeker, Phillips and Kelley.

Second reading of Bills—

House Memorial No. 4—Praying the separation of the offices of Governor and Superintendent of Indian Affairs,

Read second time; and,

Rules suspended and memorial read a third time and passed by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Briscoe, Caples, Chapman, Clark, Giesey, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—23.

Those voting in the negative were—

Messrs. Baker, Blankenship, Henness and Morrow—4.

On motion,

The memorial was forthwith reported to the Council.

Mr. Clark asked leave of absence till Tuesday next. Which was granted.

Mr. Meeker moved to take from the table

H. B. No. 26—An act to secure to all children of the Territory of Washington, between the ages of four and twenty-one years, a common school education,

Which motion prevailed.

On the question—"Shall the bill pass?"

It was decided in the negative.

So the House refused to order the bill to a third reading.

Third reading of Bills—

H. B. No. 33—An act to amend an act entitled, an act to increase county revenue,

Was taken up; and,

On the question—"Shall the bill pass?" it was decided in the negative, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Briscoe, Hinkley, Huntington, Kiser, Miles, Rhoeder, Rutledge, Smith, Thorndyke and Wilson—11.

Those voting in the negative were—

Messrs. Blankenship, Caples, Chapman, Clark, Giesey, Henness, Judson, Kelley, Knight, Longmyer, Meeker, Morrow, Phillips, Prebstel, Strong and Mr. Speaker—16.

So the House refused to pass the bill.

Message from the Council by their Clerk :

Mr. SPEAKER :—I am instructed to inform the House that the Council have passed

C. B. No. 10—An act to amend an act entitled, an act appointing commissioners to locate a site, and superintend the construction of the penitentiary of Washington Territory. Also, of

H. J. R. No. 9—Relative to enforcement of martial law over the counties of Pierce and Thurston. Also, of

H. B. No. 27—Act to create and organize the county of Slaughter, with amendments.

On motion of Mr. Miles,

H. B. No. 5—An act to prohibit the employment of, and trade with northern Indians,

Was taken from the table.

This bill being on its first reading, with amendments reported by select commtitee, the question was taken on the second amendment, which was adopted.

On the question of adopting the third amendment,

Mr. Smith moved to amend by striking out "and no appeal shall be taken."

Pending which,

Mr. Phillips moved to lay the bill and amendment on the table, and make them the order of the day for Tuesday next.

Which motion prevailed.

H. B. No. 32—An act to repeal part of law regulating marriage,

Which had been reported back from select committee,

Was read first time.

Mr. Hinkley moved to suspend rules and read a second time now. Lost.

H. B. No. 23—An act to confer elective franchise upon American half-breeds,

Which had been reported back from committee on Elections, with amendments, and with recommendation for its passage, was taken up.

The question recurring on adopting the amendments reported by the committee, it was lost.

The bill was read a second time.

H. B. No. 31—An act to amend an act entitled, an act relating to gaming and gaming contracts,

Was read first time and ordered to second reading.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

H. J. R. No. 6—Relative to pay and services of Co. A, W. T. volunteers.

The Speaker gave notice that he would now sign said Joint Resolution.

By unanimous consent,

H. J. R. No. 7—Instructing our delegate in Congress to have the pre-emption law of 1841, amended,

Was read a second time; and,

Under a suspension of the rules, was read a third time and passed.

Mr. Strong, from Joint Committee on Enrolled Bills, by special leave of the House, reported as correctly enrolled,

H. J. R. No. 9—Relative to proclamation and enforcement of martial law over the counties of Pierce and Thurston.

The Speaker gave notice that he would now sign said Joint Resolution.

Mr. Meeker moved that when the House adjourn, it adjourn till two o'clock, P. M. Lost.

Mr. Henness moved to adjourn. Lost.

H. B. No. 7—An act to amend the common school laws of Washington Territory,

Which had been amended by the Council, was taken up.

On the question—"Will the House concur in the amendments of the Council?"

It was decided in the negative.

H. B. No. 27—Act to create and organize the county of Slaughter,

Which had been reported back from committee on Counties with amendments,

Was taken up, and amendments concurred in,

On motion of Mr. Smith,

The House adjourned.

SATURDAY, January 17, 1857.

House met pursuant to adjournment.

Journal of Friday was read and approved.

Mr. Caples, from committee on Memorials, to whom had been referred

H. M. No. 3—Praying the extinguishment of the rights of the Hudson Bay and Puget Sound Agricultural companies in the Territory of Washington,

Reported the same back and recommended its passage. Also,

H. M. No. 1—Praying Congress to amend 11th section of organic act, and recommended that no further action be had thereon.

Mr. Meeker moved to re-consider the vote of yesterday on

H. B. No. 33—Act to amend an act entitled, an act to increase county revenue;

Mr. Kelley moved to lay the motion on the table till 29th day of January.

Which motion was lost.

Mr. Smith moved to postpone till 20th January. Lost.

On the question to re-consider, the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were—

Messrs. Briscoe, Chapman, Hinkley, Huntington, Judson, Meeker, Miles, Rhoeder, Rutledge, Smith, Thorndyke and Wilson—12.

Those voting in the negative were—

Messrs. Blankenship, Caples, Giesey, Henness, Kelley, Kiser, Knight, Longmyer, Morrow, Phillips, Prebstel, Strong and Mr. Speaker—13.

So the motion to re-consider was lost.

Mr. Miles, on leave, introduced

H. J. R. No. 10—Relative to the employment of proper persons as Indian agents, and employees of the Indian department;

Read first time.

Mr. Judson, on leave, introduced the following resolution:

Resolved, That His Excellency, Governor Isaac I. Stevens, be requested to communicate to this House any information he may have in his possession, on the subject of a survey of Gray's Harbor; whether any order has been issued from the coast survey office to survey said harbor,

if so, at what time it was so ordered, and whether said survey has been made, and if not made, will it require an order from the department at Washington.

Which was adopted.

Mr. Miles moved to have the committee appointed to revise the fee bill, procure the printing of their report, before presenting it to the House. Carried.

Mr. Judson, from committee on Roads and Highways, reported

H. B. No. 34—An act relating to the construction and maintaining of roads, and to supervisors of roads and highways.

Read first time; and

Under a suspension of the rules, the bill was read a second time; and re-committed to committee on Roads and Highways.

H. B. No. 2—Act to amend act relating to elections and the mode of supplying vacancies,

Was taken from the table; and,

Pending the question—"Shall the bill be read a third time?"

Mr. Strong moved to strike out the 2d section. Carried.

Mr. Strong moved further to amend by inserting after the word "judges," 9th line, section 1, "or some justice of the peace or constable."

Which was adopted.

Mr. Strong then offered to amend as follows:

Sec. 2. Nothing in the act to which this is an amendment, or any other law in this Territory, shall be so construed as to prevent American half-breed Indians from voting at any election in this Territory, if otherwise legally qualified."

Mr. Prebstel offered to amend the amendment as follows, after Indians, "and who can read and write and speak the English language."

Which was adopted.

Mr. Henness offered to amend the amendment so as to include the African race also; and on this motion called the yeas and nays, which being ordered, were as follows:

Those voting in the affirmative were—

None.

Those voting in the negative were—

Messrs. Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—24.

Mr. Rutledge moved to amend the amendment as follows:

"And said half-breed Indians shall be eligible to hold office as all other white citizens of this Territory."

Which was lost.

The question then recurring on the amendment, it was decided in the affirmative by yeas and nays, as follows:

Those voting in the affirmative were—

Messrs. Briscoe, Chapman, Giesey, Hinkley, Judson, Knight, Meeker, Miles, Phillips, Prebstel, Rhoeder, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—16.

Those voting in the negative were—

Messrs. Baker, Blankenship, Caples, Henness, Huntington, Kelley, Kiser, Longmyer, Morrow and Rutledge—9.

So the amendment was adopted.

Mr. Henness moved to indefinitely postpone the bill, and on this motion called the yeas and nays which were as follows:

Those voting in the affirmative, were—

Messrs. Blankenship, Caples, Henness, Huntington, Kelley, Kiser, Longmyer, Morrow and Rutledge—9.

Those voting in the negative were—

Messrs. Briscoe, Chapman, Giesey, Hinkley, Judson, Knight, Meeker, Miles, Phillips, Prebstel, Rhoeder, Smith, Strong, Wilson and Mr. Speaker—16.

So the House refused to postpone the bill.

Mr. Henness moved to lay it on the table and make it the order of the day for Wednesday next. Lost.

Mr. Henness moved to adjourn. Lost.

Mr. Huntington moved that when the House adjourn, it adjourn till half past two o'clock, this afternoon Lost.

Mr. Strong now moved the previous question.

Which was ordered.

"Shall the main question be new put?"—It was decided in the affirmative.

The question then recurring—"Shall the bill be ordered to be engrossed for a third reading?"

It was decided in the affirmative, by yeas and nays as follows:

Those voting in the affirmative, were—

Messrs. Briscoe, Chapman, Giesey, Hinkley, Judson, Knight, Meeker, Miles, Phillips, Prebstel, Rhoeder, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—16.

Those voting in the negative, were—

Messrs. Blankenship, Caples, Henness, Huntington, Kelley, Kiser, Longmyer, Morrow and Rutledge—9

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that the Council have passed

C. B. No. 9—An act to amend an act creating the office and defining the duties of Territorial Auditor.

H. B. No. 21—An act to locate a Territorial road from Olympia to Gray's Harbor,

C. B. No. 14—An act to amend an act entitled, an act relating to prosecuting attorneys.

Also, the Council refuse to recede from their amendment to

H. B. No. 7—An act to amend common school law of Washington Territory;

And have appointed Messrs. Abernethy and Van Vleet a committee of conference on the part of the Council to act with a like committee on the part of the House on said bill.

Also, the President of the Council has signed

Joint Resolution relative to services and pay of Co. A, 2d regiment W. T. volunteers. Also,

Joint Resolution relative to the proclamation and enforcement of martial law over the counties of Pierce and Thurston. Also,

An act establishing the rates of ferriage across the Columbia river in Clarke county. Also,

Joint Resolution relative to publishing laws in Pioneer and Democrat.

Also, the Council have passed

House Memorial No. 4—Praying the separation of the offices of Governor and Superintendent of Indian affairs. Also,

H. J. R. No. 8—Instructing our delegate in Congress to use his influence to procure the passage of an act to secure to settlers on lands in Washington Territory, at the commencement of Indian hostilities, a title to their lands. Also,

House Memorial No. 5—Praying that an armed steamer and barges be stationed within the waters of Puget Sound.

Mr. Kelley moved the appointment of a committee of conference on H. B. No. 7—An act to amend common school law of Washington Territory;

Which motion prevailed.

The Chair appointed Messrs. Kelley, Miles and Knight, said committee.

Mr. Meeker asked and obtained leave of absence till Tuesday next.

On motion of Mr. Prebstel,

The House adjourned.

MONDAY, January 19, 1857.

House met pursuant to adjournment.

Journal of Saturday read and approved.

Mr. Huntington, on leave, introduced

H. B. No. 35—An act to locate a Territorial road on the east side of the Cowlitz river.

Read first time.

Mr. Caples, on leave, introduced

H. J. R. No. 11—Approving the Kansas Nebraska act.

Read first time.

Mr. Miles, on leave, introduced

H. B. No. 36—An act to amend an act entitled, an act relative to county treasurer.

Read first time. Also,

H. B. No. 37—An act relating to the sessions of county commissioners.

Mr. Wilson, on leave, introduced

H. B. No. 38—An act to change the name of Slaughter county.

Read first time.

Mr. Meeker moved that when the House adjourn, it adjourn till two o'clock, P. M. Carried.

Second reading of Bills—

H. B. No. 29—An act to incorporate the city of Vancouver,

Read second time; and,

Rules suspended and bill read a third time, passed, and title agreed to.

H. J. R. No. 10—Relative to the employment of proper persons as Indian agents, and employees of the Indian department;

Was read a second time; and,

Pending the question of ordering the joint resolution to a third reading,

Mr. Miles moved to lay it on the table.

Which motion prevailed.

Mr. Strong, on leave, introduced,

H. B. No. 39—An act to change the name of certain counties.

Read first time.

H. B. No. 23—An act to confer elective franchise upon American half-breeds,

Was read a second time; and,

On motion of Mr. Strong,

Indefinitely postponed.

H. B. No. 37—An act relating to the sessions of county commissioners,

Was read a second time.

Mr. Strong moved to indefinitely postpone the bill.

Pending the question to postpone,

Mr. Morrow in the Chair—

Mr. Smith, of Island, moved to lay on the table. Carried.

H. B. No. 32—An act to repeal part of law regulating marriage,

Was read a second time.

Mr. Morrow moved to postpone, which motion prevailed by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Caples, Henness, Huntington, Kelley, Knight, Longmyer, Morrow, Phillips, Prebstel, Rhoeder, Strong, Wilson and Mr. Speaker—15.

Those voting in the negative were—

Messrs. Briscoe, Giesey, Hinkley, Judson, Meeker, Miles, Smith, Thorndyke—8.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to inform the House that bills with the following titles have been introduced in the Council:—

An act appointing a board of commissioners, and giving them authority to build a bridge across the western arm of Budd's inlet, at Olympia, Thurston county;

An act to amend the election law;

An act to fill vacancies in the board of county commissioners of King county;

Also, the Council have passed

H. J. R. No. 7—Instructing our delegate in Congress to have the pre-emption law of 1841, amended.

Also, the Council have adopted the report of the committee of conference on

H. B. No. 7—An act to amend common school law of Washington Territory;

Also, the Council have passed

C. B. No. 16—Act to fill vacancies in the board of county commissioners of King county.

Third reading of Bills—

H. B. No. 2—Act to amend act relating to elections and the mode of supplying vacancies,

Was read a third time.

Mr. Henness moved to indefinitely postpone the bill, and on this motion called the yeas and nays which were as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Caples, Giesey, Henness, Huntington, Kelley, Longmyer, Morrow, Phillips, Prebstel, Rutledge and Smith—13.

Those voting in the negative were—

Messrs. Briscoe, Hinkley, Judson, Knight, Meeker, Miles, Rhoeder, Strong, Thorndyke, Wilson and Mr. Speaker—11.

So the House refused to pass the bill.

On motion of Mr. Huntington,

H. B. No. 25—An act to amend an act entitled, an act for the assessing and collecting county and Territorial revenue,

Was taken from the table and read a second time.

Mr. Kelley offered an amendment, which was adopted.

Mr. Giesey moved to indefinitely postpone. Lost.

Mr. Strong moved to amend as follows:

Insert after "provided," "that any person owing debts, may deduct the same from any money on hand or at interest, and from notes of value, before he gives in his list; and provided also."

Which was adopted.

Mr. Huntington offered the following amendment:

Sec. 2. Whenever any person shall have so far complied with the provisions of the donation law and amendments, as to be entitled to sell his land, he shall be considered the owner thereof, and the same shall be considered and taxed as real estate.

Mr. Strong moved to re-consider the vote by which the House agreed to meet at two o'clock this afternoon. Lost.

On motion of Mr. Huntington,

The House adjourned.

AFTERNOON SESSION.

Mr. Strong moved a call of the House, which was ordered, and there not being a quorum present, the Sergeant-at-Arms was sent after absent members.

Sergeant-at-Arms soon returned with the absentees, who took their seats, and the House resumed the consideration of

H. B. No. 25—An act to amend an act to provide for the assessing and collecting Territorial and county revenue.

On the question of adopting the amendment of Mr. Huntington, it was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Hinkley Huntington, Judson, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Rhoeder, Rutledge, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—20.

Those voting in the negative were—

Messrs. Caples, Chapman, Henness, Kelley, Kiser, and Prebstel—6.

Mr. Briscoe moved a re-consideration of the vote.

Which motion prevailed.

Mr. Briscoe then offered to amend the amendment as follows:

"Said person may deduct the amount of his or her indebtedness to any person in this Territory, from any property he or she may be possessed of at the time of making out said list."

On the question of adopting this amendment to the amendment, it was decided in the negative by yeas and nays, as follows:

Those voting in the affirmative, were—

Messrs. Briscoe, Caples, Giesey, Judson, Kiser, Miles, Phillips, Prebstel, Rhoeder, Smith, and Mr. Speaker—11.

Those voting in the negative, were—

Messrs. Baker, Blankenship, Chapman, Henness, Hinkley, Huntington, Kelley, Knight, Longmyer, Meeker, Morrow, Rutledge, Strong, Thorndyke, and Wilson—15.

A vote then being taken on Mr. Strong's amendment, it was adopted.

Mr. Kelley moved to amend in the second proviso, after the word "dollars," by inserting as follows: "And arms kept for use."

Mr. Smith moved to amend the amendment by including family libraries. Lost.

The question then recurring on the amendment, it was adopted.

Mr. Judson offered the following amendment:

"The assessor shall not assess notes given for property, and also, the same property, when the same comes to his knowledge by the oaths of the owners and holders. Lost.

Mr. Strong offered the following amendment as the third section of the bill:

"Sec. 3. All property shall be listed in the name of the person to whom it belongs, on the first Monday of March, in each year, and every person, in making out his list for the assessor, shall make it out as of that date.

Which was adopted.

Under a suspension of the rules, the bill was read a third time, passed, and its title agreed to.

On motion of Mr. Henness,

The House adjourned.

TUESDAY, January 13th, 1857.

House met pursuant to adjournment.

Journal of Monday read and approved.

Mr. Judson moved that when the House adjourn it adjourn till two o'clock, this afternoon. Carried.

Mr. Briscoe, on leave, introduced

H. B. No. 40—An act to re-locate so much of the Territorial road from Pacific City to the Narcota Landing as lies between Baker's Bay and the Pacific coast.

Read first time.

Mr. Huntington, on leave, introduced

H. B. No. 41—An act to amend an act entitled, an act to increase county revenue;

Which was read a first time.

Mr. Wilson, on leave, introduced,

H. B. No. 42—An act to provide for the collecting of taxes in the counties known as Slaughter, Jefferson and Whatcom.

Mr. Kelley, on leave, introduced

H. B. No. 43—An act to incorporate the Northern Pacific railroad company;

Read first time; and

Rules suspended and read a second time; and,

On motion of Mr. Kelley,

Referred to committee on Corporations.

On motion of Mr. Henness,

The rules were suspended, and,

H. B. No. 5—Act to prohibit trade with northern Indians,

Was taken from the table; and,

On the question of adopting the second amendment, it was decided in the affirmative.

On the question of adopting the third amedment,

Mr. Meeker moved to strike out "and no appeal shall be taken."

Which motion prevailed.

The amendment was then adopted.

Mr. Meeker moved to strike out in section 1, "residing north of the northern boundary of this Territory."

Which was adopted.

Mr. Henness moved to lay on the table and have printed. Lost.

Mr. Miles moved to amend as follows:

Provided, That nothing in this act shall be so construed as to include those northern Indians who are married to white persons, and reside in this Territory.

Which was lost.

The question then recurring—"Shall the bill be ordered to be engrossed for a third reading?"

It was decided in the affirmative, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Thorndyke and Mr. Speaker—24.

Those voting in the negative were—

Messrs. Miles and Wilson—2.

Under a further suspension of the rules, the bill was read a third time, passed and title agreed to, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—24.

Those voting in the negative were—

Messrs. Meeker and Miles—2.

So the bill passed, and its title was agreed to.

Mr. Kelley moved to suspend the rules, and take from the table

H. B. No. 7—An act to amend the common school law.

Which motion prevailed.

This bill had been amended by the Council, and the amendment nonconcurred in by the House; whereupon, a committee of conference had had the same under consideration, who reported it back to the House with amendments.

On the question—"Will the House concur in the amendments of the committee of conference?"—It was decided in the affirmative.

On motion of Mr. Meeker,

H. B. No. 17—"An act to amend an act entitled, 'an act relating to elections and the mode of supplying vacancies,'"

Was taken from the table.

On the question—"Shall the bill be ordered to a third reading?"

Mr. Kelley moved to indefinitely postpone the bill.

Which motion prevailed.

Second reading of Bills—

H. B. No. 36—An act to amend an act entitled an act in relation to county treasurer.

Was read a second time; and,

Laid on the table.

H. B. No. 35—An act to locate a Territorial road on the east side of the Cowlitz river;

Read a second time; and,

On motion of Mr. Miles,

Referred to committee on Roads and Highways.

H. B. No. 37—An act relating to sessions of county commissioners;

Read second time, and laid on the table.

H. B. No. 39—An act to change the name of certain counties,

Coming up for second reading, the Chair ruled it out of order, as it would be amending a law of the present session.

H. B. No. 38—An act to amend an act to create and organize the county of Slaughter, was ruled out of order by the Chair upon the same grounds.

H. J. R. No. 11—Approving the Kansas Nebraska act,

Was read a second time; and,

Laid on the table.

H. B. No. 11—An act to amend an act relating to justices of the peace and constables, and the practice before justices of the peace;

Was read a second time; and,

Pending the question to read a third time,

Mr. Caples moved to lay the bill on the table.

Which motion prevailed.

Mr. Prebstel moved to re-consider the vote of this morning by which the House agreed to meet at two o'clock, this afternoon. Lost.

Mr. Strong moved to have 150 copies of the report of the joint committee to revise laws, printed for the use of the House. Carried.

On motion of Mr. Strong,

House adjourned.

AFTERNOON SESSION.

Reports of standing Committees—

H. M. No. 3—Praying the extinguishment of the rights of the Hudson Bay and Puget Sound Agricultural companies in the Territory of Washington,

Which had been reported back from committee on Memorials with the recommendation that it pass,

Was read a second time; and,

On motion of Mr. Meeker,

Rules suspended, and memorial read third time and passed.

H. M. No. 1—Praying Congress to amend 11th section of organic act,

Which had been reported back from same committe with recommendation for its indefinite postponement,

Was taken up; and,

On motion of Mr. Rutledge,

Indefinitely postponed.

Mr. Strong, from joint select committee on the revision ot the laws, made the following report:

Mr. Speaker:—The joint select committee on the revision of the laws to conform them to the act of Congress, approved Aug. 16, 1856, beg leave to report that they have had the same under consideration, and have prepared the following acts, entitled,

1. An act to amend an act entitled, an act relative to crimes and punishments, and proceedings in criminal cases, and an act entitled, an act to regulate the practice and pleadings in prosecutions for crimes.

2. An act to amend an act entitled, an act to regulate practice and proceedings in civil cases.

3. An act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the district court.

4. An act enlarging the jurisdiction of probate courts, and justices of the peace in criminal cases.

5. An act to establish the amount, and provide for the payment of costs in certain cases.

6. An act relative to the construction of statutes.

7. An act to define judicial districts.

The passage of which they recommend.

WM. STRONG,
Chairman.

H. B. No. 44—An act to amend an act entitled, an act relative to crimes and punishments, and the proceedings in criminal cases, and an act entitled an act to regulate the practice and pleadings in prosecutions for crime,

Was read a first time; and,

Ordered to a second reading.

H. B. No. 45—An act to amend an act entitled, an act to regulate practice and proceedings in civil cases,

Read first time and ordered to a second reading.

H. B. No. 46—An act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the district court,

Read first time and ordered to a second reading.

H. B. No. 47—An act enlarging the jurisdiction of probate courts, and justices of the peace in criminal cases,

Read first time and ordered to a second reading.

H. B. No. 48—An act to establish the amount, and provide for the payment of costs in certain cases;

Was read first time, and ordered to a second reading.

H. B. No. 49—An act relative to the construction of statutes;

Was read first time and ordered to a second reading.

H. B. No. 50—An act to define the judicial districts;

Read first time and ordered to a second reading.

Business from the Council—

C. J. R. No. 7—Requesting Commander Swartwout, U. S. N., to continue to cruise in the northern waters of this Territory.

Read first time; and

Rules suspended and read a second time; and,

Rules further suspended, and read a third time and passed.

On motion of Mr. Meeker,

The House adjourned.

WEDNESDAY, January 21, 1857.

House met pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Judson, from committee on Roads and Highways, to whom had been referred

H. B. No. 34—An act relating to the construction and maintaining of roads, and to supervisors of roads and highways,

Reported the same back with amendments, and recommended its passage.

Mr. Briscoe, from committee on Corporations, to whom had been referred

H. B. No. 43—An act to incorporate the Northern Pacific railroad company;

Reported the same back without amendment, and recommended its passage.

Mr. Hinkley, on leave, introduced

H. B. No. 51—An act to apportion the representation of the Territory of Washington;

Read first time. Also,

H. B. No. 52—An act to appoint a probate judge for Slaughter county;

Read a first time.

H. B. No. 44—An act to amend an act entitled, an act to regulate the practice and pleadings in prosecutions for crimes,

Was read a second time.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that bills with the following titles have been introduced in the Council:—

C. B. No. 17—An act to repeal an act entitled, an act to provide for the printing and distribution of the laws and journals.

C. B. No. 18—An act to incorporate Steilacoom Lodge, No. 8, of Free and Accepted Masons.

Also, the Council have passed

C. B. No. 13—An act appointing a board of commissioners, and giving them authority to build a bridge across the western arm of Budd's inlet, at Olympia, Thurston county.

C. B. No. 18—An act to incorporate Steilacoom Lodge, No 8, of Free and Accepted Masons; also

H. B. No. 29—An act to incorporate the city of Vancouver, with amendments.

Pending the question—"Shall the bill be ordered to be engrossed for a third reading?"

Mr. Strong offered the following amendment to section 3, in sixth line, after the word, "reasonably," strike out the words, "arrive there in time for," and insert, "be required to attend at."

Which amendment was adopted.

On motion of Mr. Morrow,

Rules suspended, and the bill read a third time, passed, and its title agreed to.

H. B. No. 45—An act to amend an act entitled, an act to regulate practice and proceedings in civil cases;

Read a second time; and,

On motion of Mr. Caples,

Rules suspended, and the bill read a third time, passed, and its title agreed to.

H. B. No. 46—An act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the district court;

Read a second time; and,

On motion of Mr. Miles,

The rules were suspended, the bill read a third time, passed, and its title agreed to.

H. B. No. 47—An act to enlarge the jurisdiction of probate courts and justices of the peace in criminal cases;

Read second time; and,

On motion of Mr. Morrow,

Rules suspended and bill read a third time, passed, and title agreed to.

H. B. No. 48—An act to establish the amount, and provide for the payment of costs in certain cases;

Was read a second time.

Mr. Miles moved to amend as follows:

Sec. 1, 5th line, strike out all to the word "complaint," inclusive, and insert, "any person making a complaint."

Which was adopted; and,

Under a suspension of the rules, the bill was read a third time, passed, and its title agreed to.

Mr. Miles moved that when the House adjourn it adjourn till two o'clock, this afternoon.

Which motion prevailed.

H. B. No. 49—An act relating to the construction of statutes,

Was read a second time; and,

On motion of Mr. Rutledge,

The rules were suspended, and bill read a third time, passed, and title agreed to.

Mr. Wilson moved to adjourn. Lost.

H. B. No. 50—An act to establish the judicial districts,

Was taken up; and,

On motion of Mr. Meeker,

Laid on the table.

Mr. Hinkley moved to adjourn;

Which motion was lost by yeas and nays as follows:

Those voting in the affirmative, were—

Messrs. Hinkley, Meeker and Thorndyke—3.

Those voting in the negative, were—

Messrs. Baker, Briscoe, Caples, Chapman, Giesey, Henness, Huntington, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Wilson and Mr. Speaker—22.

Mr. Chapman moved to take from the table H. B. No. 50. Lost.

On motion of Mr. Strong,

The House adjourned.

AFTERNOON SESSION.

Mr. Kelley, on leave, introduced

H. J. R. No. 12—Relative to granting extra pay to certain soldiers for meritorious services at the Cascades.

Read first time.

Reports of standing committees:

H. B. No. 43—Act to incorporate the Northern Pacific rail road company.

Read first time.

H. B. No. 34—An act in relation to the construction of roads and highways, and to define the duties of supervisors of highways,

Which had been reported back from committee on Roads and Highways, with amendments, was taken up; and,

The amendments to sections 17, 19, 20, 21, 22, and 25, were adopted.

Mr. Kelley offered a proviso to section 25, which was adopted.

The amendments to sections 27, 32, 33, and additional sections of 44, and 45, were also adopted.

Mr. Strong moved to indefinitely postpone the bill;

Which was lost by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Briscoe, Chapman, Hinkley, Longmyer, Morrow, Rutledge, Strong and Mr. Speaker—9.

Those voting in the negative were—

Messrs. Blankenship, Caples, Giesey, Henness, Huntington, Judson, Kelley, Kiser, Knight, Meeker, Miles, Phillips, Prebstel, Rhoeder, Smith, Thorndyke and Wilson—17.

Mr. Huntington moved to lay the bill on the table. Lost.

Mr. Smith, on leave, introduced

H. B. No. 53—An act to amend an act entitled, an act respecting executors, administrators, and the distribution of real and personal estate; which,

On motion of Mr. Strong,

Was referred to select committee.

Mr. Wilson, on leave, introduced

An act supplemental to an act to organize the county of Slaughter;

Which the Chair decided out of order, as it would be amending a law passed at this session.

Mr. Wilson appealed from the decision of the Chair.

Mr. Meeker moved to lay the appeal on the table. Lost.

On the question—"Shall the decision of the Chair be sustained?"—the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Chapman, Giesey, Henness, Hinkley, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Prebstel, Rhoeder, Rutledge, Smith and Thorndyke—19.

Those voting in the negative were—

Messrs. Briscoe, Caples, Huntington, Judson, Phillips, Strong and Wilson—7.

So the decision of the Chair was sustained.

House Bill No. 34—Being still under consideration,

Mr. Huntington moved an amendment to the bill.

Mr. Hinkley moved to postpone till 29th instant. Lost.

Mr. Kelley moved to amend by striking out section 39, and inserting—"Supervisor shall be allowed two dollars per day for every day actually employed in overseeing work in his district as supervisor, out of any money in the county treasury which may have been paid in as road tax."

Mr. Rutledge moved to lay the bill and amendments on the table. Lost.

On motion of Mr. Briscoe,

The House adjourned.

THURSDAY, January 22, 1857.

House met pursuant to adjournment.

Absent—Mr. Clark.

Journal of Wednesday read and approved.

Mr. Smith moved that when the House adjourn, it adjourn till two o'clock, this afternoon. Lost.

Mr. Strong moved to re-consider the vote just taken. Lost.

Second reading of Bills—

H. B. No. 43—An act to incorporate the Northern Pacific railroad company,

Coming up for second reading,

Mr. Caples moved to lay the bill on the table, and make it the order of the day for 29th January. Lost.

Mr. Strong, on leave, introduced,

House Bills Nos. 54, 55, and 56; which took their order on the table.

On motion,

H. B. No. 43—Act to incorporate the Northern Pacific railroad company,

Was laid on the table by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Chapman, Henness, Hinkley, Huntington, Judson, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith and Wilson—17.

Those voting in the negative were—

Messrs. Briscoe, Caples, Giesey, Kelley, Kiser, Meeker, Strong, Thorndyke and Mr. Speaker—9.

Mr. Miles, on leave, introduced

H. B. No. 57—An act to give probate courts jurisdiction in civil cases.

Read first time.

Third reading of Bills—

H. B. No. 34—An act in relation to the construction of roads and highways, and to define the duties of supervisors of highways,

Coming up for third reading,

Mr. Kelley, by leave of the House, withdrew his amendment, which was pending when the House adjourned yesterday, and offered a substitute, which was adopted.

Mr. Strong moved to indefinitely postpone the bill. Lost.

On motion of Mr. Kelley,

The rules were suspended, the bill read a third time, passed, and its title agreed to.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

H. B. No. 7—An act to amend common school law of Washington Territory. Also,

C. J. R. No. 7—Requesting Commander Swartwout, U. S. N., to continue to cruise in the northern waters of this Territory.

The Speaker gave notice that he would now sign said joint resolution and bill.

On motion of Mr. Strong,

H. B. No. 50—An act to establish the judicial districts,

Was taken from the table.

Mr. Strong moved to amend the first section by prefixing the enacting clause thereto.

Which motion prevailed.

Also, the second section, by adding King county to second judicial district.

Which motion prevailed.

Also, to amend section 3, by striking out "King."

Which motion prevailed.

Mr. Giesey moved to add Chehalis to second judicial district.

Which motion prevailed.

Under a suspension of the rules, the bill was read third time, passed, and title agreed to.

Mr. Kiser moved to take from the table

H. B. No. 31—An act to amend an act entitled, an act relating to gaming and gaming contracts,

Which motion prevailed.

The bill was then read a second time.

Mr. Rutledge moved to amend by striking out the fourth section of the bill.

Mr. Strong moved to amend the amendment, by including the third section also. Carried.

The amendment was then adopted.

Mr. Miles moved to re-consider the vote striking out the third and fourth sections. Carried.

Mr. Miles then moved to re-consider the vote adopting the amendment to the amendment. Carried.

On the question of adopting the amendment to the amendment, it was lost.

The question then recurring on adopting the amendment striking out the fourth section of the bill, it was decided in the affirmative.

Under a suspension of the rules, the bill was read a third time, passed, and its title agreed to, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Henness, Hinkley, Huntington, Judson, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Rutledge, Thorndyke, Wilson and Mr. Speaker—19.

Those voting in the negative were—

Messrs. Caples, Chapman, Kelley, Prebstel, Rhoeder and Strong—6.

H. J. R. No. 12—Relative to granting extra pay to certain soldiers for meritorious services at the Cascades,

Was read a second time.

Mr. Kelley moved to amend by striking out "3 or 4," and inserting "several."

Which motion prevailed.

Under a suspension of the rules, the joint resolution was then read a third time and passed.

H. B. No. 51—An act to apportion the representation of the Territory of Washington;

Was read a second time; and,

On motion of Mr. Miles,

Referred to select committee of three.

The Chair appointed Messrs. Miles, Baker and Rhoeder, said committee.

H. B. No. 40—An act to re-locate so much of the Territorial road from Pacific City to the Narcota Landing as lies between Baker's Bay and the Pacific coast.

Was read a second time.

Mr. Miles moved to amend by striking out the fourth section. Lost.

Rules suspended, and the bill read a third time, passed, and its title agreed to.

H. B. No. 42—An act to provide for the collecting of taxes in the counties known as Slaughter, Jefferson and Whatcom.

Was read a second time.

Mr. Rhoeder moved to amend by striking out Whatcom. Carried.

Under a suspension of the rules, the bill was read a third time, passed, and its title agreed to.

Mr. Kelley moved to re-consider the vote referring H. B. No. 51, to a special committee.

Which motion prevailed.

C. B. No. 51—An act to apportion the representation of the Territory of Washington,

Being again before the House, it was,

On motion of Mr. Rutledge,

Laid on the table.

Mr. Judson, from committee on Roads and Highways, to whom had been referred

H. B. No. 35—An act to locate a Territorial road on the east side of the Cowlitz river,

Reported the same back with amendments, and recommended its passage.

The amendments were adopted, and,

The rules were suspended, and bill read a third time, passed, and title agreed to.

H. B. No. 41—An act to amend an act entitled, an act to increase county revenue,

Was read a second time.

Mr. Huntingtom moved to amend by adding three additional sections to the bill.

Mr. Strong moved to amend the first section of the amendment, by striking out 500, and inserting 5,000. Lost.

Mr. Meeker moved to amend by striking out 500, and inserting 200. Lost.

Mr. Kelley moved to amend the amendment by striking out the third section.

Which motion was adopted, by yeas and nays as follows:

Those voting in the affirmative, were—

Messrs. Baker, Blankenship, Caples, Chapman, Giesey, Hinkley, Kelley, Knight, Longmyer, Meeker, Morrow, Phillips, Prebstel, Strong, Thorndyke, Wilson and Mr. Speaker—17.

Those voting in the negative, were—

Messrs. Briscoe, Henness, Huntington, Judson, Kiser, Miles, Rhoeder and Smith—8.

Mr. Strong moved to re-consider the vote just taken. Lost.

Mr. Huntington moved to strike out the 4th section.

Which motion prevailed.

Mr. Briscoe moved to indefinitely postpone the bill and amendments,

Which motion was decided in the negative, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Blankenship, Briscoe, Caples, Chapman, Kelley, Miles, Morrow, Prebstel, Strong and Wilson—10.

Those voting in the negative were—

Messrs. Baker, Giesey, Henness, Hinkley, Huntington, Judson, Kiser, Knight, Longmyer, Meeker, Phillips, Rhoeder, Rutledge, Smith, Thorndyke and Mr. Speaker—16.

So the House refused to indefinitely postpone the bill.

Mr. Smith moved to amend the first section of the amendment, by striking out 500, and inserting 300. Carried.

Mr. Prebstel moved to adjourn.

Which motion was lost, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Blankenship, Briscoe, Chapman, Giesey, Henness, Kiser, Longmyer, Prebstel, Rutledge, Strong, Wilson and Mr. Speaker—12.

Those voting in the negative were—

Messrs. Baker, Caples, Hinkley, Huntington, Judson, Kelley, Knight, Meeker, Miles, Morrow, Phillips, Rhoeder, Smith and Thorndyke—14.

The question then recurring on the remaining part of Mr. Huntington's amendment, it was adopted by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Henness, Hinkley, Huntington, Kiser, Knight, Meeker, Phillips, Rhoeder, Rutledge, Smith, Thorndyke and Mr. Speaker—13.

Those voting in the negative were—

Messrs. Briscoe, Caples, Chapman, Giesey, Judson, Kelley, Longmyer, Miles, Morrow, Prebstel, Strong and Wilson—12.

The question then recurring—"Shall the bill, as amended, be engrossed and read a third time?"

It was decided in the affirmative.

Mr. Hinkley moved to suspend the rules and read the bill a third time now.

Which motion was lost.

Mr. Meeker, upon leave, made the following report:

Mr. Speaker:—The select committee to whom was referred the examination of the laws respecting executors and administrators, and the distribution of real and personal estate, and the laws respecting probate courts, have had the same under consideration. Also, H. B. No. 53, and have instructed me to report bills amendatory to said laws, in which

are embodied the provisions of H. B. No. 53, and recommend their passage.

O. P. MEEKER,
Chairman.

On motion of Mr. Strong,

H. J. R. No. 11—Approving the Kansas Nebraska act.

Was taken from the table.

Mr. Meeker moved to amend the joint resolution as follows:

After the word claim, in the third line, insert: "and seems to promise fair to extend the increasing domain of the great pillar of the American republic—African slavery—therefore, we give it our most hearty concurrence, and hereby pledge ourselves to use our influence to re-open the African slave trade at the earliest opportunity."

Which amendment was lost, by yeas and nays as follows:

Those voting in the affirmative were—

Mr. Meeker.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—25.

On the question—"Shall the joint resolution be read a third time?" It was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Judson, Kelley, Kiser, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, and Mr. Speaker—20,

Those voting in the negative were—

Messrs. Hinkley, Huntington, Knight, Meeker, Thorndyke, and Wilson—6.

H. B. No. 52—An act to appoint a probate judge for Slaughter county;

Read a second time; and,

On motion of Mr. Hinkley,

Rules suspended, and the bill read a third time, passed, and its title agreed to.

On motion of Mr. Smith,

House adjourned.

FRIDAY, January 23, 1857.

House met pursuant to adjournment.

Journal of Thursday read and approved.

Mr. Judson, on leave, introduced the following resolution:

Resolved, That the Clerk of this House be directed to furnish His Excellency, Gov. Isaac I. Stevens, with a copy of a resolution adopted by this House, the 17th inst., on the subject of a survey of Gray's harbor.

Which was adopted.

H. B. No. 57—An act to confer civil jurisdiction on judges of probate,

Was read a second time; and,

Mr. Morrow moved to suspend the rules, and read the bill a third time now.

Mr. Strong moved to indefinitely postpone the bill.

Mr. Meeker moved to amend by striking out third line, in section first. Lost.

Mr. Meeker then moved to amend as follows:

Sec. 3. That all appeals from the probate court in civil actions shall be had to the Supreme court. The manner of appeal shall be the same as appeals from the district court.

Mr. Clark in the Chair.

Mr. Smith, of Island, moved to lay the bill on the table. Carried.

Mr. Speaker resumed the Chair.

Mr. Clark, on leave, presented the petition of certain citizens of

Pierce county, praying the removal of the Indian reserve from the mouth of the Puyallup.

Referred to committee on Memorials.

Third reading of Bills—

H. B. No. 41—An act to amend an act to increase county revenue,

Which was read a third time.

On the question—"Shall the bill pass?" it was decided in the affirmative, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Henness, Hinkley, Huntington, Judson, Kiser, Knight, Meeker, Miles, Phillipps, Prebstel, Rhoeder, Rutledge, Smith, Thorndyke, Wilson and Mr. Speaker—17.

Those voting in the negative were—

Messrs. Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Kelley, Longmyer, Morrow and Strong—10.

So the bill was passed.

Mr. Strong moved to amend the bill so as to read:

"An act to prohibit the retailing of intoxicating drink in the Territory of Washington."

On this motion the yeas and nays were ordered, which were as follows:

Those voting in the affirmative were—

Messrs. Blankenship, Caples, Chapman, Giesey, Kelley and Prebstel—6.

Those voting in the negative were—

Messrs. Baker, Briscoe, Clark, Henness, Kinkley, Huntington, Judson, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Phillipps, Rhoeder, Rutledge, Smith, Strong, Thorndyke, Wilson, and Mr. Speaker—21.

So the amendment was lost.

The title of the bill was then agreed to.

Mr. Miles moved that the bill be forthwith reported to the Council.

Mr. Caples moved to lay the motion on the table. Lost.

The motion of Mr. Miles was then adopted, and the bill reported to the Council.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed to inform the House that the Council have passed

H. B. No. 5—An act to prohibit the employment of, and trade with northern Indians.

H. B. No. 12—Act to more specifically define the duties of county commissioners in certain cases, with amendments. Also,

H. B. No. 35—An act to locate a Territorial road on the east side of the Cowlitz river.

The President of the Council has signed

An act additional to an act to amend an act entitled, an act establishing a common school system for the Territory of Washington. Also,

Joint Resolution requesting commander Swartwout to cruise in the waters of the Sound.

H. B. No. 54—An act to fill certain vacancies in the board of pilot commissioners.

Was read a second time; and,

Under a suspension of the rules, read a third time, passed, and title agreed to.

H. B. No. 55—An act relative to notaries public,

Read second time, and rules suspended, and read third time, passed, and title agreed to.

H. B. No. 56—An act relative to the terms of the Supreme Court;

Read a second time; and,

Rules suspended and bill read a third time, passed, and title agreed to.

H. B. No. 59—An act to amend an act entitled, an act establishing probate courts for the Territory of Washington,

Read first time and ordered to a second reading.

H. B. No. 60—An act to amend an act entitled, an act respecting executors, administrators, and the distribution of real and personal estate.

Read first time, and ordered to second reading.

H. B. No. 58—Act relative to name of Slaughter county,

Was read first time.

By request, Mr. Strong was excused from attendance this afternoon.

The House adjourned.

AFTERNOON SESSION.

Mr. Meeker moved to take from the table

H. B. No. 51—An act to apportion the representation of the Territory of Washington;

Which motion prevailed.

Mr. Clark moved to amend so that Slaughter county should elect two, and Island should elect two.

Mr. Henness moved to refer to a select committee. Lost.

The question now being on the amendment proposed by Mr. Clark, it was decided in the affirmative.

Mr. Morrow moved to amend so as to give Sawamish one member instead of a joint member.

On this motion the yeas and nays were ordered, which were as follows:

Thase voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Henness, Kiser, Longmyer, Morrow, Phillips, Rutledge, Smith and Thorndyke—11.

Those voting in the negative were—

Messrs. Caples, Chapman, Clark, Hinkley, Huntington, Judson, Kelley, Knight, Miles, Prebstel, Rhoeder, Wilson, and Mr. Speaker—14.

Mr. Henness moved to strike out five, in Thurston, and insert six. Lost.

On the question—"Shall the bill pass?" it was decided in the affirmative, by yeas and nays as follows :

Those voting in the affirmative were—

Messrs. Briscoe, Caples, Chapman, Clark, Giesey, Hinkley, Huntington, Judson, Kelley, Knight, Meeker, Miles, Phillipps, Prebstel, Rhoeder, Smith, Thorndyke, Wilson and Mr. Speaker—19.

Those voting in the negative were—

Messrs. Baker, Blankenship, Henness, Kiser, Longmyer, Morrow, and Rutledge—7.

So the bill was passed.

Business from the Council.

H. B. No. 29—An act to incorporate the city of Vancouver,

Which had been amended by the Council, was taken up, and the Council amendment concurred in.

H. B. No. 22—An act to review of so much of the Territorial road from Olympia to Monticello as lies between L. H. Davis' dwelling house, in Lewis county, and the dwelling house of J. W. Goodell, in Thurston county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county;

Which had been amended by the Council, was taken up, and the amendments non-concurred in.

Mr. Meeker moved to re-consider the vote just taken.

Which motion prevailed.

The several amendments in the body of the bill were non-concurred in, except the second amendment in the fourth section, which was concurred in by the House.

The amendment to the title of the bill, was also non-concurred in.

Mr. Phillips asked and obtained leave of absence for to-morrow.

Mr. Smith, on leave, introduced

H. B. No. 62—An act to increase county school fund.

Read first time.

Mr. Caples, from joint committee on Enrolled Bills, reported as correctly enrolled,

H. B. No. 5—Act to prohibit trade with northern Indians. Also,

H. B. No. 35—An act to locate a Territorial road on the east side of the Cowlitz river.

The Speaker gave notice that he would now sign said bills.

C. B. N. No. 16—An act to fill vacancies in the board of county commissioners of King county,

Read a first time; and,

Rules suspended and read a second time; and,

Rules further suspended, and read a third time, passed, and its title agreed to.

C. B. No. 13—An act appointing a board of commissioners, and giving them authority to build a bridge across the western arm of Budd's inlet, at Olympia, Thurston county,

Was read first time and ordered to second reading.

H. B. No. 12—An act to more specifically define the powers and duties of county commissioners in certain cases,

Which had been amended by the Council, was taken up, and Council amendment concurred in.

On motion of Mr. Smith,

House adjourned.

SATURDAY, January 24, 1857.

House met pursuant to adjournment.

Journal of Friday was read and approved.

Mr. Speaker laid before the House the following communication from his Excellency, Governor Stevens, in answer to a resolution of the House, requesting information in relation to the survey of Gray's harbor:

EXECUTIVE DEPARTMENT, W. T.,
Olympia, January 23d, 1857.

Hon. J. S. SMITH,
Speaker of the House:

SIR:—In answer to the following resolution of the House, passed January 17th, 1857, communicated to me on this date, viz: "*Resolved*, That His Excellency, Isaac I. Stevens, be requested to communicate to this House any information he may have in his possession on the subject of a survey of Gray's Harbor. Whether an order has been issued from the Coast Survey office to survey said harbor. If so, at what time it was so ordered, and whether said survey has been made, and if not made, will it require an order from the Department at Washington."

I have to state, that on the 21st day of December, 1854, I addressed a communication to Prof. A. D. Bache, Supt. of the Coast Survey, requesting him to direct the survey of Gray's harbor to be made, and was informed in his reply, dated Feb. 14th, 1855, that attention would be called to it in the instructions for the season to Lieut. Com. Alden. I have since been informed by Lieut. Commanding Alden, that his attention was called to the subject in his instructions of that season,

and that he made his arrangements to execute the survey on his way from Puget Sound to San Francisco, after getting through his work in 1855, on the Sound, but that he was prevented doing the work on that occasion, by bad weather. He made no surveys on this portion of the coast the last year—his steamer having been diverted from surveying duty, and applied, for several months, to the defence of the Sound.

It is the policy of the supt. of the coast survey, to have surveys made at the earliest practicable period, of all the harbors on the coast, and I have no doubt of his intention to have an early survey made of Gray's harbor. From the information which I have received from Lieut. Commanding Alden, personally, I can state positively that he considers himself instructed by the Superintendent of the Coast Survey, to make the survey at the earliest practicable period, and I have recently addressed him a letter urging him to make the survey the present season.

I herewith transmit copies of my letter to the Superintendent of the Coast Survey, and his answer thereto.

I am, sir, very respectfully,

Your obedient servant,

ISAAC. I. STEVENS,

Gov. Washington Territory.

OLYMPIA, Dec. 21, 1854.

PROF. A. D. BACHE,

Superintendent Coast Survey, Washington, D. C.:

DEAR SIR:—My attention has been called by several intelligent and influential citizens of this Territory, to the importance of a survey of Gray's harbor. Several are of opinion that it will prove a somewhat important place, and that it is not as difficult of access as has been generally supposed. The country back is very rich. The principal river flowing into the harbor is the Chehalis river, which has a tributary, having its rise only four miles from this place. Those who have examined the Chehalis, report to me that, for eight months of the year, light steamers can ascend to Ford's, on the route from Olympia to the Columbia river.

Please give this communication the attention it deserves, and endeavor, if practicable, to have a survey made by the "Active," on her next trip to the Sound.

Truely yours,

(Signed,) ISAAC I. STEVENS,

Gov. Washington Territory.

(Copy.)

Coast Survey Office,
Feb. 15, 1855.

Hon. Isaac I. Stevens,

Governor of Washington Territory:

Dear Sir:—Yours of December 21st, relating to a survey of Gray's harbor, has been received, and attention will be called to it in the instructions for the season to Lieut. Commanding Alden.

Yours respectfully and truely,

(Signed,) A. D. BACHE.

Upon leave, Mr. Miles introduced House Bill No. 63,

Read a first time; and,

The rules were suspended, the bill read a third time, passed, and its title agreed to.

Second reading of Bills—

C. B. No. 13—An act appointing a board of commissioners to build a bridge across Budd's Inlet at Olympia,

Was read a second time; and

Rules suspended, read third time, passed, and title agreed to.

H. B. No. 60—An act to amend an act entitled, an act respecting executors and administrators, and the distribution of real and personal estate,

Was read a second time; and,

On motion,

Laid on the table.

H. B. No. 59—An act relative to probate courts of Washington Territory,

Was read a second time; and,

Laid on the table.

H. B. No. 58—An act supplementary to an act to create the county of Slaughter,

Was read a second time; and,

Rules suspended, and the bill read a third time, passed, and its title agreed to.

H. B. No. 62—An act to increase county school fund,

Was read a second time.

Mr. Knight moved to refer the bill to a select committee of four.

Which motion prevailed.

The Chair appointed Messrs. Smith, Rutledge, Kelley and Meeker, said committee.

H. B. No. 61, was read a first time; and,

The rules were suspended, and bill read a second and third times, passed, and its title agreed to.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to inform the House that the Council have non-concurred in House amendment to

C. J. R. No. 8—Relative to the time for the election of Territorial officers.

And have passed the same with an amendment.

Business from the Council—

C. J. R No. 8—Relative to the election of Territorial officers,

Which had been returned from the Council with an amendment, was taken up.

Mr. Caples moved to concur.

Mr. Clark moved to amend by extending the time to the 28th inst. Lost.

The Council amendment to the resolution was then concurred in.

C. B. No. 10—An act to amend an act entitled, an act appointing commissioners to locate a site, and superintend the construction of the penitentiary of Washington Territory,

Was read a first time; and,

Rules suspended, and read a second time.

Under a suspension of the rules, the bill was read a third time, passed, and its title agreed to.

C. B. No. 14—An act to amend an act entitled, an act relating to prosecuting attorneys,

Was read a first time, and,

Rules suspended and read a second time.

Mr. Meeker moved that the bill be indefinitely postponed. Lost.

On the question—"Shall the bill be ordered to be engrossed for a third reading?"

It was decided in the affirmative.

On motion of Mr. Miles,

Rules suspended, and bill read third time now.

On the final passage of the bill, the ayes and nays were ordered, and were as follows:

Mr. Speaker, at his request, was excused from voting on this question.

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Henness, Hinkley, Kiser, Longmyer, Miles, Morrow, Prebstel and Rhoeder—12.

Those voting in the negative were—

Messrs. Chapman, Clark, Giesey, Huntington, Kelley, Knight, Meeker, Smith, Thorndyke and Wilson—10.

C. B. No. 9—An act to amend an act creating the office and defining the duties of Territorial Auditor,

Was read first time and ordered to second reading.

C. B. No. 18—An act to incorporate Steilacoom Lodge, No. 8, of Free and Accepted Masons.

Was read first time; and,

On motion of Mr. Chapman,

Was indefinitely postponed.

Mr. Clark moved to re-consider the vote on the indefinite postponement of the bill. Lost.

Mr. Briscoe, from committee on Corporations, by leave of the House, made the following report:

MR. SPEAKER:—The committee on Corporations, to whom was referred, H. B. No. 24—An act to incorporate the Olympia Cemetery Association—have had the same under consideration, and instructed me to report the same back, and recommend its indefinite postponement.

JOHN BRISCOE,
Chairman.

The report was adopted.

Mr. Kelley moved to adjourn. Lost.

C. M. No. 2—Relative to apprenticing Indian minors,

Was read first time and ordered to a second reading.

Mr. Miles moved that the rules be suspended, and the memorial be read a second time now.

Which motion prevailed.

Mr. Chapman moved that the memorial be referred to committee on Indian Affairs.

Which motion prevailed.

H. B. No. 64—An act relative to burying grounds or places of sepulture,

Which had been reported by committee on Corporations,

Was read first time, and ordered to a second reading.

On motion of Mr. Clark,

The Clerk was instructed to furnish the Territorial Printer with a copy of the evidence taken in committee of the whole relative to Co. A, 2d regiment W. T. volunteers, to be printed in its proper place in the Journals. [See Appendix, "C."]

On motion, House adjourned.

MONDAY, January 26, 1857.

House met pursuant to adjournment.

Journal of Saturday read and approved.

Mr. Smith, from select committee, to whom had been referred

H. B. No. 62—An act to increase county school fund,

Reported the same back with amendments, and recommended its passage.

Mr. Giesey, on leave, introduced

H. B. No. 65—An act to legalize the assessment of Chehalis county.

Read a first time; and,

Under a suspension of the rules, the bill was read second and third times and passed.

On motion of Mr. Briscoe,

The title was amended and agreed to.

C. B. No. 9—An act to amend an act creating the office, and defining the duties of librarian,

Was read a second time; and,

On motion of Mr. Henness,

Laid on the table.

On motion of Mr. Kiser,

C. B. No. 3—An act to repeal an act authorizing James C. Cochran to establish a ferry across the Chehalis river,

Was taken from the table.

On the question—"Shall the bill be read a third time?"

It was decided in the affirmative.

The bill was read third time, passed, and title agreed to.

Reports from committees:

H. B. No. 62—An act to increase county school fund,

Which had been reported back from select committee, with amendments, was taken up.

Mr. Kelley moved to indefinitely postpone the bill.

Which motion was lost.

Mr. Huntington moved to strike out Cowlitz county.

Mr. Smith, of Island, offered an amendment.

Mr. Clark moved to lay the bill on the table.

Which motion prevailed.

Mr. Clark, on leave, introduced

H. B. No. 66—An act to incorporate Steilacoom Lodge, No. 8, Free and Accepted Masons.

Read a first time; and,

Rules suspended and read a second time; and,

Rules further suspended, and read a third time, passed, and its title agreed to.

Mr. Briscoe, on leave, introduced

H. B. No. 67—An act to re-enact and amend the act entitled, an act authorising Washington Hall to establish a ferry across the Columbia river.

Read a first time; and,

Rules suspended, and read a second time.

Under a suspension of the rules, the bill was read a third time, passed, and its title agreed to.

H. B. No. 18—An act to establish a Territorial road from Olympia to tide water in Chehalis county,

Which had beeen amended by the Council, was taken up, and the amendment concurred in.

Mr. Judson, on leave, introduced

H. B. No. 68—An act to legalize the survey of a Territorial road between the house of J. W. Goodell, and David Kindred's dwelling house, in Thurston county.

Read a first time; and,

The rules were suspended, the bill read a third time, passed, and its title agreed to.

On motion of Mr. Strong,

H. B. No. 62—An act to increase county school fund,

Was taken from the table; and,

On motion of Mr. Strong,

The House resolved itself into committee of the whole, to take into consideration said bill.

Mr. Chapman in the Chair.

After some time spent in committee of the whole, committee rose, reported the bill back with a recommendation that it continue to lie on the table.

The report was adopted.

On motion of Mr. Henness,

C. B. No. 9—An act to amend an act creating the office and defining the duties of Territorial Auditor,

Was taken from the table.

Mr. Henness moved to amend, by inserting 25 dollars, instead of 50 dollars.

Mr. Kelley moved to lay the motion on the table. Lost.

Mr. Strong called the previous question, which was ordered.

A vote was then taken on the adoption of the amendment, when it was decided in the affirmative.

On ordering the bill to a third reading, it was decided in the affirmative.

The bill was then read a third time, passed, and its title agreed to.

On motion,

House adjourned.

Mr. Miles, from committee on Indian Affairs, to whom had been referred,

Council Memorial No. 2—Relative to apprenticing Indian Minors,

Reported the same back to the House with an amendment, to wit:

Provided always, That such apprentice shall have the advantages of a common school education.

Which amendment was adopted, by yeas and nays as follows:

Those voting in the affirmative, were—

Messrs. Baker, Blankenship, Caples, Giesey, Henness, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Strong, Thorndyke and Wilson—19.

Those voting in the negative, were—

Messrs. Briscoe, Clark, Hinkley, and Mr. Speaker—4.

Mr. Clark moved to indefinitely postpone the bill. Lost.

Mr. Clark moved to lay the bill on the table, and make it the order of the day for Thursday next. Lost.

On the question—"Shall the bill be ordered to be engrossed for a third reading?"

It was decided in the negative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Caples, Huntington, Judson, Longmyer, Miles, Morrow, Phillips, Rhoeder and Wilson—9.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Chapman, Clark, Giesey, Henness, Hinkley, Kelley, Kiser, Knight, Prebstel, Rutledge, Strong, Thorndyke and Mr. Speaker—16.

Mr. Strong moved to re-consider the vote just taken. Lost.

Mr. Miles, on leave, introduced

H. B. No. 69—An act in relation to the expenses of Territorial treasurer;

Read a first time, and,

Rules suspended and read a second time.

Mr. Kelley moved to amend by inserting 25 instead of 50.

Which motion prevailed.

Under a further suspension of the rules, read a third time, passed, and title agreed to.

On motion of Mr. Miles,

H. B. No. 36—An act to amend an act entitled, an act relative to county treasurer,

Was taken from the table, and,

On motion of Mr. Strong,

Was indefinitely postponed.

Mr. Kiser, on leave, introduced,

H. B. No. 70—An act additional to an act relating to elections and the mode of supplying vacancies;

Read first time, and

Rules suspended and read a second time and amended.

Under a further suspension of the rules, the bill was read a third time, passed, and title agreed to.

Mr. Kelley moved to adjourn. Lost.

The Speaker laid before the House the annual report of the Territorial librarian.

Which was laid on the table and ordered to be printed.

On motion of Mr. Kelley,

The House adjourned.

TUESDAY, January 27th, 1857.

House met pursuant to adjournment.

Journal of Monday read and approved.

Mr. Strong, from committee on Memorials, to whom had been referred the petition of Thomas Owen and others, made the following report:

Mr. Speaker:—The majority of the committee on Memorials, to whom was referred the petition of Thomas Owen and others, citizens of Pierce county, praying the Legislative Assembly to memorialize the proper department that the Puyallup Indian reservation may be removed from the Puyallup river, and located on the west side of the Sound, would beg leave respectfully to report:

That the subject is not unattended with difficulty. The committee are well aware that valuable lands have been included within the reservation, which it would be extremely desirable to have opened to settlement, but they are also aware that humanity and justice require that the Indians should possess a portion of such lands for their comfort, support and maintainance.

We are of the opinion that due regard has been paid in the Indian treaties to the interests of the whites, so far as was compatible with justice to the Indians, and believing also, that to disturb this particular treaty, would create in the mind of the Indians, a general distrust of the good faith of the United States government towards them, would respectfully recommend that no action be had upon the petition, and the petitioners have leave to withdraw their petition.

Messrs. Clark and Wilson dissent from the report of the majority.

All of which is respectfully submitted.

WM. STRONG,
Chairman.

Mr. Prebstel, on leave, introduced

H. B. No. 71—An act to provide for printing the school and road laws of Washington Territory;

Which was read a first time; and,

The rules were suspended, and bill read a second and third times, passed, and its title agreed to.

Mr. Miles, from committee on Indian Affairs, reported

House Memorial No. 6—Relative to treaties with the Indian tribes of this Territory.

Which was read a first time, and,

Rules suspended and memorial read a second time.

Mr. Meeker moved to amend so as to except the treaties made with those tribes in Pierce county. Lost.

Under a further suspension of the rules, the memorial was read a third time, passed, and its title agreed to, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Giesey, Henness, Hunting-

ton, Judson, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Thorndyke and Mr. Speaker—21.

Those voting in the negative were—

Messrs. Chapman, Hinkley, Meeker and Wilson—4.

On motion of Mr. Miles,

Ordered, That the Clerk inform the Council that the House is now ready to meet the Council in joint convention for the election of Territorial and militia officers.

Mr. Phillips, from committee on Counties, to whom had been referred

H. B. No. 19—An act to establish and define the southern boundary of Chehalis county;

Reported the same back without recommendation and asked to be discharged from the further consideration of the same.

Mr. Strong, on leave, introduced

H. B. No. 72—An act relative to joint conventions of the Territory of Washington,

Read a first time, and,

Rules suspended and bill read a second and third times, passed, and title agreed to by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Henness, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Morrow, Phillips, Prebstel, Rhoeder, Smith, Strong and Mr. Speaker—22.

Those voting in the negative were—

Messrs. Hinkley, Miles, Rutledge, Thorndyke and Wilson—5.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the President of the Council has signed

An act to locate a Territorial road on the east side of the Cowlitz river.

An act to prohibit the employment of and trade with northern Indians.

Also, the Council have passed, with amendment,

H. B. No. 34—An act in relation to the construction of roads and highways, and to define the duties of supervisors of highways.

H. B. No. 60—An act to amend an act entitled, an act respecting executors, administrators, and the distribution of real and personal estate.

H. B. No. 41—An act to amend an act entitled, an act to increase county revenue.

H. B. No. 58—An act supplementary to an act to create the county of Slaughter.

Also, the Council have passed

H. B. No. 42—An act to provide for the collecting of taxes in the counties known as Slaughter, Jefferson and Whatcom.

H. B. No. 44—An act to amend an act entitled, an act relative to crimes and punishments, and the proceedings in criminal cases, and an act entitled an act to regulate the practice and pleadings in prosecutions for crime.

H. B. No. 52—An act to appoint a probate judge for Slaughter county.

H. B. No. 54—An act to fill certain vacancies in the board of pilot commissioners.

H. B. No. 55—An act relative to notaries public.

That the Council refuse to recede from their amendment to

H. B. No. 22—An act to review so much of the Territorial road from Olympia to Monticello, as lies between L. H. Davis' dwelling house, in Lewis county, and the dwelling house of J. W. Goodell, in Thurston county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county;

And ask a committee of conference on same, appointing Messrs. Abernethy, Pagett, and Wallace on said committee on the part of the Council. Also,

That the Council will meet the House in joint convention at six o'clock this evening, in accordance with

C. J. R. No. 8—Relative to election of Territorial officers.

Mr. Clark moved that a committee of conference be appointed on

H. B. No. 22—An act to review so much of the Territorial road from Olympia to Monticello as lies between L. H. Davis' dwelling house, in Lewis county, and the dwelling house of J. W. Goodell, in Thurston county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county;

Which motion prevailed.

Messrs. Clark, Baker and Rhoeder were appointed on the part of the House.

On motion of Mr. Henness,

H. B. No. 43—Act to incorporate the Northern Pacific rail road company,

Was taken up for consideration.

After being amended by additional names to the first section, the bill was read a third time, passed, and its title agreed.

H. B. No. 62—An act to increase county school fund, was,

On motion of Mr. Phillips,

Taken from the table, amended, and ordered to be engrossed and read a third time.

On the question—"Shall the bill pass?"

It was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Briscoe, Caples, Chapman, Henness, Hinkley, Judson, Kelley, Kiser, Knight, Miles, Morrow, Rhoeder, Rutledge, Strong, Thorndyke and Wilson—16.

Those voting in the negative were—

Messrs. Baker, Blankenship, Clark, Giesey, Huntington, Longmyer, Meeker, Phillips, Prebstel, Smith and Mr. Speaker—11.

So the bill passed, and its title was agreed to.

Mr. Strong moved that when the House adjourn it adjourn till two o'clock, this afternoon.

Which motion prevailed.

On motion of Mr. Smith,

The House adjourned.

AFTERNOON SESSION.

On motion of Mr. Kelley,

H. B. No. 60—An act to amend an act entitled, an act respecting

executors, administrators, and the distribution of real and personal estate.

Was taken up.

Mr. Strong moved to amend by striking out the 6th section. Lost.

The bill was then read a third time, passed, and its title agreed to.

On motion of Mr. Giesey,

H. B. No. 19—An act to establish and define the southern boundary of Chehalis county,

Was taken from the table.

On motion of Mr. Miles,

The bill was referred to a select a committee, with instructions to report on the same to-morrow morning.

Messrs. Giesey, Strong and Briscoe were appointed said committee.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

An act to fill vacancies in the board of county commissioners of King county.

C. J. R. No. 8—Relative to the time for the election of Territorial officers.

An act to amend an act entitled, an act appointing commissioners to locate a site, and superintend the construction of the penitentiary of Washington Territory.

An act appointing a board of commissioners, and giving them authority to build a bridge across the western arm of Budd's inlet, at Olympia, Thurston county.

H. B. No. 57—An act to confer civil jurisdiction on judges of probate,

Was taken from the table.

The question being on the pending amendment, when the bill was laid on the table, the amendment was lost.

Mr. Miles offered an amendment to the bill, which was adopted.

The bill was then read a third time, passed, and its title agreed to.

H. B. No. 34—An act in relation to the construction of roads and highways, and to define the duties of supervisors of highways,

Which had been amended by the Council, was taken up, and the amendments concurred in.

Message from the Council by their Clerk:

Mr. Speaker :—I am instructed to inform the House that the Council have passed, with amendments,

H. M. No. 3—Praying the extinguishment of the rights of the Hudson Bay and Puget Sound Agricultural companies in the Territory of Washington.

H. B. No. 31—An act to amend an act entitled, an act relating to gaming and gaming contracts.

H. B. No. 45—An act to amend an act entitled, an act to regulate practice and proceedings in civil cases.

H. B. No. 46—An act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the district court.

H. B. No. 47—An act enlarging the jurisdiction of probate courts, and justices of the peace in criminal cases.

H. B. No. 40—An act to re-locate so much of the Territorial road from Pacific City to the Narcota Landing as lies between Baker's Bay and the Pacific coast.

H. B. No. 48—An act to establish the amount, and provide for the payment of costs in certain cases.

Also, the Council have passed, without amendment,

H. B. No. 71—An act to provide for printing the school and road laws of Washington Territory.

H. B. No. 68—An act to legalize the survey of a Territorial road between the house of J. W. Goodell, and David Kindred's dwelling house, in Thurston county.

H. B. No. 66—An act to incorporate Steilacoom Lodge, No. 8, Free and Accepted Masons.

H. B. No. 65—An act to legalize the assessment of Chehalis county.

H. B. No. 64—An act relative to burying grounds or places of sepulture.

H. B. No. 56—An act relative to the terms of the Supreme Court.

H. B. No. 50—An act to establish the judicial districts.

H. B. No. 49—An act relative to the construction of statutes.

On motion of Mr. Meeker,

H. B. No. 59—An act relative to probate courts of Washington Territory,

Was taken from the table; and,

On motion of Mr. Clark,

Was indefinitely postponed.

Reports from standing Committees—

The report of the committee on Memorials, relative to Indian reserve at the mouth of the Puyallup river, was taken up.

On the question—"Shall the report of the committee be adopted?"

It was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Caples, Giesey, Henness, Hinkley, Judson, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Strong, Thorndyke and Mr. Speaker—20.

Those voting in the negative were—

Messrs. Briscoe, Clark, Huntington, Meeker and Wilson—5.

House Bills amended by Council—

H. B. No. 46—An act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the district court,

Which had been amended by the Council, was taken up, and the Council amendment concurred in.

H. B. No. 45—An act to amend an act entitled, an act to regulate practice and proceedings in civil cases,

Which had been amended by the Council, was taken up, and Council amendment concurred in.

H. B. No. 47—An act to enlarge the jurisdiction of probate courts and justices of the peace in criminal cases,

Which had beeen amended by the Council, was taken up, and the amendment concurred in.

H. B. No. 48—An act to establish the amount, and provide for the payment of costs in certain cases,

Which had been returned from the Council with an amendment, was taken up, and the amendment non-concurred in.

H. B. No. 58—Act relative to name of Slaughter county,

Was taken up, and amendment concurred in.

Mr. Henness moved that when the House adjourn it adjourn to meet at 15 minutes before 6 o'clock, this evening. Carried.

On motion, House adjourned.

EVENING SESSION.

On motion of Mr. Miles,

The Clerk was instructed to inform the Council that the House was now prepared to meet the Council in joint convention in the hall of the House of Representatives, for the purpose of electing Territorial officers, in accordance with joint resolution relative to the time for the election of Territorial officers.

The Council having assembled in the hall of the House, the following proceedings were had in said

JOINT CONVENTION.

President of the Council in the Chair.

On calling the roll, the following members answered to their names:

Of the Council—Messrs. Abernethy, Cock, Denny, Huff, Pagett, Poe, Van Vleet, Wiley and the President—9.

House of Representatives—Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Henness, Hinkley, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—27.

Mr. Clark moved to proceed to the election, by ballot, of the officers named, in the order which they occur in the joint resolution relative to the time for the election of Territorial officers.

Mr. Strong moved to amend the motion by inserting in lieu thereof that the joint convention now proceed to the election of a Librarian, *viva voce.*

The President ruled the amendment out of order, because the joint convention were bound by the tenor of the resolution, which was the law calling the convention into existence, and from this decision, Mr. Strong took an appeal.

On the question—"Shall the decision of the Chair be sustained?"—the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Abernethy, Cock, Denny and Poe, of the Council—4.

Messrs. Blankenship, Chapman, Clark, Giesey, Henness, Hinkley, Huntington, Meeker, Thorndyke and Wilson—10. Total 14.

Those voting in the negative were—

Messrs. Huff, Pagett, Van Vleet and Wiley, of the Council—4.

Messrs. Baker, Briscoe, Caples, Judson, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong and Mr. Speaker—17. Total 21.

Not voting—Mr. President.

So the decision of the President was overruled.

Mr. Clark withdrew his motion.

Mr. Strong also withdrew the amendment.

Mr. Caples moved to proceed now to the election of a Territorial Librarian *viva voce*.

Mr. Poe moved to amend the motion by striking out *viva voce*, and inserting ballot.

On this amendment, the yeas and noes were ordered by the requisite number—the following is the vote:

Those voting in the affirmative were—

Messrs. Abernethy, Cock, Denny, Poe and the President, of the Council—5.

Messrs. Hinkley, Huntington, Thorndyke and Wilson, of the House —4.

Those voting in the negative were—

Messrs. Huff, Pagett, Van Vleet and Wiley, of the Council—4.

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Henness, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong and Mr. Speaker, of the House—23.

Total, ayes—9. Noes—27.

So the amendment was lost.

Mr. Meeker moved to amend by striking out Librarian, and inserting Treasurer.

Mr. Clark moved to lay the motion on the table. Carried.

On motion of Mr. Briscoe,

The vote by which said motion was laid on the table, was re-considered.

The question being—"Will the Convention lay said motion on the table?"

It was decided in the negative.

Mr. Strong moved the previous question, which being seconded by the requisite number, the question was announced,

"Will the Convention amend the motion of the gentleman from Clarke, (Mr. Caples) by striking out Librarian, and inserting Treasurer?"

On this question, the yeas and nays were ordered by the requisite number, and the following is the vote:

Those voting in the affirmative were—

Messrs. Abernethy, Denny, Poe, and the President—4.

Messrs. Clark, Hinkley, Judson, Meeker and Thorndyke—5.

Those voting in the negative were—

Messrs. Cock, Huff, Pagett, Van Vleet and Wiley—5.

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Huntington, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Wilson and Mr. Speaker—22.

Total, ayes—9. Noes—27.

So the Convention refused to amend.

The question recurring on the motion of Mr. Caples, to proceed to the election of a librarian, *viva voce*, the yeas and nays were ordered by the requisite number, and the following is the vote:

Those voting in the affirmative, were—

Messrs. Cock, Denny, Huff, Pagett, Van Vleet, Wiley and Mr. President—7.

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Huntington, Judson, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong, Thorndyke, Wilson and Mr. Speaker—25.

Those voting in the negative, were—

Messrs. Abernethy and Poe.—2.

Messrs. Clark and Hinkley—2.

Total, ayes—23. Noes 4.

So the motion to proceed to the election of Librarian, *viva voce*, was carried.

The Secretaries proceeded to call the roll—the following is the vote:

For Henry R. Crosbie—Messrs. Huff, Pagett, Van Vleet and Wiley—4.

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Clark, Giesey, Judson, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Phillips, Prebstel, Rhoeder, Rutledge, Smith, Strong and Mr. Speaker—21.

Total, 25.

For Miss Eveline Babb.—Messers. Abernethy, Denny, Poe, and the President—4.

Messrs. Henness, Hinkley, Huntington, Meeker, Thorndyke and Wilson—6. Total 10.

For Captain Tyrrell—Mr. Cock—1.

Henry R. Crosbie having received a majority of all the votes cast, was declared duly elected Librarian of the Territory of Washington.

Mr. Strong moved that the Convention do now proceed to elect, by ballot, a Territorial Treasurer, and that each member endorse his name upon the ballot he votes, and that no ticket shall be received and counted unless endorsed by a member of this Convention.

Mr. Poe called for a division of the question, and the question being on the first branch of the motion—to elect a Territorial Treasurer by ballot—it was decided in the affirmative.

The question recurring on the second branch of the motion, requiring each member to affix his name to his ticket, the yeas and nays were ordered by the requisite number, and the following is the vote:

Those voting in the affirmative, were—

Messrs. Huff, Pagett and Van Vleet—3.

Messrs. Baker, Briscoe, Caples, Chapman, Clark, Judson, Kelley, Longmyer, Miles, Rhoeder, Rutledge, Smith, Strong and Mr. Speaker—14.

Those voting in the negative, were—

Messrs. Abernethy, Cock, Denny, Poe, Wiley and the President—6.

Messrs. Blankenship, Giesey, Henness, Hinkley, Huntington, Kiser, Knight, Meeker, Morrow, Phillips, Prebstel, Thorndyke and Wilson—13.

Total, ayes—17. Noes—19.

So the Convention refused to adopt the second branch of motion.

The Convention proceeded to ballot for Territorial Treasurer.

Messrs. Abernethy and Strong being appointed tellers. The following is the vote:

Whole number of votes cast,		36
Necessary to a choice,		19
William Cock received	25	votes.
William Wright "	9	"
Henry Miles "	1	"
Miss Hurd "	1	"

William Cock having received a majority of all the votes cast, was declared duly elected Treasurer of the Territory of Washington.

Convention proceeded to ballot for Territorial Printer. Messrs. Strong and Abernethy acting as tellers.

Whole number of votes cast,	36	
Necessary to a choice,	19	
Edward Furste received	27	votes
George B. Goudy "	3	"
Henry Miles "	2	"
H. L. Caples "	1	"
R. L. Doyle "	1	"
F. S. Balch "	1	"
Isaac I. Stevens "	1	"

Edward Furste having received a majority of all the votes cast, was declared duly elected Public Printer for the Territory of Washington.

On motion of Mr. Strong,

Convention proceeded to elect, upon one ballot, one Brigadier General, Adjutant General, Quartermaster General, and Commissary General. Messrs. Strong and Abernethy acting as tellers.

Whole number of votes cast,	36
Necessary to a choice,	19

For Brigadier General—

H. J. G. Maxon received	25	votes.
Frank Clark "	1	"
William Strong "	1	"
B. F. Shaw, "	2	"
Isaac I. Stevens, "	2	"
Henry Miles, "	1	"
Tom Thumb "	1	"
Pat Kanim "	1	"
——— "	2	"

H. J. G. Maxon, having received a majority of all the votes cast, was declared duly elected Brigadier General.

For Adjutant General—

Isaac N. Ebey received	31	votes.
I. I. Stevens "	1	"
Henry Miles "	1	"
H. J. G. Maxon "	1	"
——— "	2	"

Isaac N. Ebey, having received a majority of all the votes cast, was declared duly elected Adjutant General.

For Quartermaster General.—

W. W. Miller received	29	votes.
Isaac I. Stevens "	1	"
Henry Miles "	3	"
Capt. Tyrrell, "	1	"
——— "	2	"

W. W. Miller, having received a majority of all the votes cast, was declared duly elected Quartermaster General.

For Commissary General—

H. K. Stevens received	28	votes.
Henry Miles "	2	"
I. I. Stevens "	1	"
——— "	5	"

H. K. Stevens, having received a majority of all the votes cast, was declared duly elected Commissary General.

The President declared the objects for which the Joint Convention had met, as completed, and the Council retired to their chamber, when,

On motion of Mr. Kelley,

The House adjourned.

WEDNESDAY, January 28, 1857.

House met pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Giesey from select committee, to whom was referred

H. B. No. 19—An act to establish and define the southern boundary of Chehalis county,

Reported a substitute for the same—

H. B. No. 73—An act to consolidate the counties of Pacific and Chehalis.

Read a first time; and,

The rules were suspended, and bill read a second and third times, passed, and its title agreed to.

Mr. Huntington, on leave, introduced

H. B. No. 74—Act amending law relating to Territorial Librarian.

Read a first time; and,

Rules suspended and read a second time and amended; and,

On motion,

Indefinitely postponed.

Bills amended by Council—

H. B. No. 31—An act to amend an act entitled, an act relating to gaming and gaming contracts.

Which had been amended by the Council, was taken up, and the Council amendment concurred in.

H. B. No. 40—An act to re-locate so much of the Territorial road from Pacific City to the Narcota Landing as lies between Baker's Bay and the Pacific coast.

Which had been amended by the Council, was taken up, and Council amendment concurred in.

H. B. No. 41—An act to amend an act entitled, an act to increase county revenue.

Which had beeen amended by the Council, was taken up, and the amendment concurred in.

H. B. No. 61—An act to locate county seat of Cowlitz county by popular vote,

Which had been returned from the Council with an amendment, was taken up, and the amendment concurred in.

Business lying on the table:

H. B. No. 37—An act relating to sessions of county commissioners;

Was taken from the table, and,

On motion of Mr. Chapman,

Was indefinitely postponed.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that the Council have indefinitely postponed

H. B. No. 72—An act relative to joint conventions of the Territory of Washington.

That the Council have passed

H. B. No. 51—An act to apportion the representation of the Territory of Washington.

The President of the Council has signed

Joint Resolution relative to the time for the election of Territorial officers.

An act to fill vacancies in the board of county commissioners of King county.

An act to amend an act entitled, an act appointing commissioners to locate a site, and superintend the construction of the penitentiary of Washington Territory.

An act appointing a board of commissioners, and giving them authority to build a bridge across the western arm of Budd's inlet, at Olympia, Thurston county.

H. J. R. No. 10—Relative to the employment of proper persons as Indian agents, and employees of the Indian department,

Was taken up.

Mr. Morrow moved to indefinitely postpone the resolution.

Which was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Kelley, Knight, Longmyer, Morrow, Prebstel, Rutledge, Strong and Wilson—15.

Those voting in the negative were—

Messrs. Hinkley, Huntington, Judson, Kiser, Meeker, Miles, Rhoeder, Smith, Thorndyke and Mr. Speaker—10.

So the resolution was indefinitely postponed.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that the Council have rejected on first reading,

H. B. B. No. 73—An act to consolidate Pacific and Chehalis counties.

That Council insist upon their amendment to

H. B. No. 48—An act to establish the amount, and provide for the payment of costs in certain cases.

And ask a committee of conference thereon. Messrs. Abernethy, Van Vleet and Cock, have been appointed on the part of the Council to confer.

Mr. Speaker appointed Messrs. Strong, Wilson and Henness, committee on the part of the House.

Mr. Chapman, on leave, introduced,

H. B. No. 75—An act to incorporate the Geographical and Statistical Society of Washington Territory.

Read a first time; and,

Under a suspension of the rules, the bill was read second time, and amended.

Rules further suspended, and read a third time, passed, and its title agreed to.

Mr. Briscoe, on leave, introduced

H. J. R. No. 13—Relative to the use of the library.

Read first time, and

Rules suspended and read a second time, and amended.

On motion of Mr. Miles,

The resolution was indefinitely postponed.

Mr. Smith moved that when the House adjourn it adjourn till two o'clock, this afternoon.

Which motion prevailed.

On motion, House adjourned.

AFTERNOON SESSION.

Mr. Meeker, from conference committee on

H. B. No. 22—An act to review so much of the Territorial road from Olympia to Monticello, as lies between L. H. Davis' dwelling house, in Lewis county, and the dwelling house of J. W. Goodell, in Thurston county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county;

Reported the same back, and recommended that the House concur in the Council amendment.

Which was adopted.

On motion of Mr. Chapman,

H. B. No. 10—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace,"

Was taken from the table; and,

On motion of Mr. Rutledge,

Was indefinitely postponed.

Mr. Strong, from committee of conference on

H. B. No. 48—An act to establish the amount, and provide for the payment of costs in certain cases,

Reported amendments to same and recommended their adoption.

On motion of Mr. Meeker,

The amendments were adopted.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the Council have passed with amendments,

H. B. No. 75—An act to incorporate the Geographical and Statistical Society of Washington Territory. Also,

H. B. No. 43—Act to incorporate the Northern Pacific rail road company.

H. B. No. 43—An act to incorporate the Northern Pacific railroad company,

Was taken up, and amendment concurred in.

H. B. No. 75—An act to incorporate the Geographical and Statistical Society of Washington Territory,

Which had been amended by the Council, was taken up, and the amendments concurred in.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the Council have adopted the report of the committee of conference on

H. B. No. 22—An act to review so much of the Territorial road from Olympia to Monticello as lies between L. H. Davis' dwelling house, in Lewis county, and the dwelling house of J. W. Goodell, in Thurston

county; and also, to view and locate a Territorial road from J. W. Goodell's to the town of Olympia, in Thurston county. Also,

H. B. No. 48—An act to establish the amount, and provide for the payment of costs in certain cases.

The Council have passed.

C. J. R. No. 13—Tendering thanks to the volunteer service of the Territory.

C. J. R. No. 13—Tendering thanks to the volunteer service of the Territory,

Was read a first time; and

Rules suspended and read a second time.

Mr. Kelley offered an amendment to the resolution.

Mr. Meeker moved to amend the amendment so as to include the name of Charles H. Mason, Acting-Governor.

Also, to strike out the last clause of the amendment of Mr. Kelley.

Mr. Henness called for a division of the question.

Which was ordered.

The question then being on that part of the amendment, inserting the name of Charles H. Mason, it was decided in the affirmative.

The question recurring on striking out the last clause of the amendment to the amendment, it was decided in the negative.

Mr. Kelley moved to re-consider the vote adopting the first part of Mr. Meeker's amendment to the amendment.

Which motion prevailed.

The question then recurring on adopting that part of the amendment to the amendment, the motion was lost.

The amendment was then adopted. Ayes 16, nays 8.

The resolution was then adopted.

Mr. Caples, on leave, introduced

H. J. R. No. 14—Relative to Gen. Wool ordering citizens out of Walla Walla county.

Which was read a first time, and,

Rules suspended and read a second time.

On motion,

House adjourned.

THURSDAY, January 29, 1857.

House met pursuant to adjournment.

Journal of Wednesday read and approved.

H. J. R. No. 14—Relative to General Wool ordering settlers out of Walla Walla county,

Was read third time and passed.

Mr. Judson, on leave, introduced

House Memorial No. 8—Praying an appropriation for the construction of a light house at the entrance of Gray's Harbor.

Read a first time.

Mr. Meeker moved to suspend the rules and read a second time. Lost.

Mr. Knight moved to excuse Mr. Thorndyke from attendance from the commencement of the session to the time the Journal shows he took his seat.

Which motion prevailed.

Mr. Miles moved that when the House adjourn it adjourn to meet at two o'clock this afternoon. Carried.

Mr. Briscoe moved to re-consider the vote by which the House refused to order H. M. No. 8, to a second reading. Carried.

The question then being on ordering the Memorial to a second reading, it was decided in the negative.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

An act to amend an act to increase county revenue.

An act to repeal an act authorizing James C. Cochran to establish a ferry across the Chehalis river.

An act to amend an act entitled, an act relating to prosecuting attorneys.

An act supplemental to an act to create and organize the county of Slaughter.

An act to establish the judicial districts.

An act to fill certain vacancies in the board of pilot commissioners.

An act to incorporate the Northern Pacific railroad company.

An act to amend an act creating the office and defining the duties of Territorial Auditor.

An act to locate and establish a Territorial road from Olympia,

in Thurston county, to a point on the south shore of Gray's Harbor, in Chehalis county.

An act to incorporate the city of Vancouver.

An act to appoint a probate judge for Slaughter county.

An act to locate and establish a Territorial road from Olympia, in Thurston county, to tide water on the Chehalis river in Chehalis county.

An act to incorporate the Geographical and Statistical Society of Washington Territory.

An act to more specifically define the powers and duties of county commissioners in certain cases.

An act to incorporate Steilacoom Lodge, No. 8, Free and Accepted Masons.

An act to view and locate a territorial road from the house of L. H. Davis, in Lewis county, to the town of Olympia, in Thurston county.

An act to locate county seat of Cowlitz county by popular vote.

An act relative to notaries public.

An act to regulate the granting of divorces in certain cases.

An act to legalize the assessment of Chehalis and other counties.

An act to provide for the collecting of taxes in the counties known as Slaughter and Jefferson.

An act to create and organize the county of Slaughter.

Memorial praying the separation of the offices of Governor and Superintendent of Indian Affairs.

Memorial praying the extinguishment of the rights of the Hudson Bay and Puget Sound Agricultural companies in the Territory of Washington.

Joint Resolution relative to the extension of the pre-emption law of 1841, to lands in Washington Territory.

Joint Resolution relative to granting extra pay to certain soldiers for meritorious services at the Cascades.

The Speaker gave notice tha the would now sign said bills, memorials, and resolutions.

On motion,

House adjourned.

Mr. Strong moved that the Speaker be instructed to certify to the Secretary of the Territory that all the members of this House have attended during the session, except for such time as they have been excused by the House.

Which motion prevailed.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

H. B. No. 57—An act to confer civil jurisdiction on judges of probate, with an amendment.

Also, without amendment,

H. B. No. 60—An act to amend an act entitled, an act respecting executors, administrators, and the distribution of real and personal estate.

The Council have refused to concur in House amendment to

C. J. R. No. 13—Tendering thanks to the volunteer service of the Territory.

Mr. Caples offered the following resolution:

Resolved by the House, the Council concurring, That a joint committee be appointed, to consist of three from the House, and two from the Council, to wait upon the Governor, and inform him that the Legislative Assembly is now ready to adjourn *sine die*, and enquire if he has any further communication to make to them.

Which was adopted.

H. B. No. 57—An act to confer civil jurisdiction on judges of probate,

Which had been amended by the Council, was taken up, and the Council amendment concurred in.

C. J. R. No. 13—Tendering thanks to the volunteer service of the Territory,

Which had been amended by the House, was returned from the Council, with non-concurrence in House amendments.

On the question—"Will the House adhere to its amendment?"

It was decided in the affirmative, by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Briscoe, Caples, Chapman, Giesey, Henness, Huntington, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Prebstel, Rhoeder, Rutledge, Strong, Thorndyke and Mr. Speaker—18.

Those voting in the negative were—

Messrs. Blankenship, Hinkley, Meeker, and Wilson—4.

On motion of Mr. Strong,

Messrs. Kelley, Caples and Chapman were appointed on conference committee on C. J. R. No. 13.

Mr. Meeker, on leave, introduced

H. B. No. 75—An act to abolish all laws for the collection of Territorial revenue.

Read a first time, and,

House refused to order to a second reading.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed to inform the House that the Council have passed with amendment,

H. J. R. No. 14—Relative to Gen. Wool ordering citizens out of Walla Walla county.

And that Messrs. Denny, Poe and Cock are appointed committee of Conference on the part of the Council on C. J. R. No. 13.

H. J. R. No. 14—Relative to Gen. Wool ordering settlers out of Walla Walla county,

Was taken up.

On the question—"Will the House concur in Council amendment?"

It was decided in the negative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Hinkley, Huntington and Thorndyke—3.

Those voting in the negative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Kelley, Kiser, Knight, Longmyer, Meeker, Miles, Morrow, Prebstel, Rhoeder, Rutledge, Smith, Strong, Wilson and Mr. Speaker—21.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

H. J. R. No. 15—Relative to appointing a committee to wait upon the Governor,

And that Messrs. Huff and Abernethy are appointed of the Council.

The President of the Council has signed

An act to incorporate the Northern Pacific railroad company.

An act relative to notaries Public.

An act to amend an act entitled, an act relative to prosecuting attorneys.

An act to appoint a probate judge for the county of Slaughter.

An act supplementary to an act to create and organize the county of Slaughter.

An act to amend an act creating the office and defining the duties of Territorial Auditor.

An act to view and locate a territorial road from the House of L. H. Davis, in Lewis county, to the town of Olympia, in Thurston county.

An act to fill certain vacancies in the board of pilot commissioners.

An act to amend an act to increase county revenue.

An act to incorporate the city of Vancouver.

An act to locate and establish a Territorial road from Olympia, in Thurston county, to a point on the south shore of Gray's harbor, in Chehalis county.

An act to regulate the granting of divorces in certain cases.

An act to establish the judicial districts.

An act to incorporate Steilacoom Lodge, No. 8, of Free and Accepted Masons.

An act to more specifically define the duties of county commissioners in certain cases.

An act to create and organize the county of Slaughter.

An act to establish a Territorial road from Olympia to tide water in Chehalis county.

An act to repeal an act authorizing James C. Cochran to establish a ferry across the Chehalis river.

An act to provide for the assessing and collecting of county and Territorial revenue in counties known as Slaughter and Jefferson.

An act to incorporate the Geographical and Statistical Society of Washington Territory.

An act to legalize the assessment of Chehalis and other counties.

An act to authorize the voters of Cowlitz county to permanently locate the county seat.

Joint Resolution relative to granting extra pay to certain soldiers for meritorious services at the Cascades.

Joint Resolution relative to extension of pre-emption law of 1841, to lands in Washington Territory.

Memorial praying the extinguishment of the rights of the Hudson's Bay and Puget Sound Agricultural companies to lands in Washington Territory.

Memorial praying the separation of the offices of Governor and Superintendent of Indian affairs.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

An act to amend an act entitled, an act relative to crimes and punishments, and the proceedings in criminal cases, and an act entitled an act to regulate the practice and pleadings in prosecutions for crime.

An act to amend an act entitled, an act relating to gaming and gaming contracts.

An act to re-locate so much of the Territorial road from Pacific City to the Narcota Landing as lies between Baker's Bay and the Pacific coast.

An act to apportion the representation of the Territory of Washington.

An act relative to burying grounds or places of sepulture.

An act to give probate courts jurisdiction in civil cases.

An act relative to the construction of statutes.

An act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the district court.

An act to enlarge the jurisdiction of probate courts and justices of the peace in criminal cases.

An act to amend an act entitled, an act to regulate practice and proceedings in civil cases.

An act to establish the amount, and provide for the payment of costs in certain cases.

The Speaker gave notice that he would now sign said bills.

On motion of Mr. Strong,

House took a recess till 9 o'clock, this evening.

Mr. Kelley, from committee of Conference on C. J. R. No. 13—Tendering thanks to volunteer service of Washington Territory,

Reported that they had been unable to agree upon the same.

Mr. Kelley moved that the House adhere to their amendment to C. J. R. No. 13.

Which was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Caples, Chapman, Giesey, Henness, Judson, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Prebstel, Rhoeder, Rutledge, Thorndyke and Mr. Speaker—17.

Those voting in the negative were—

Messrs. Huntington, Meeker and Wilson—3.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the Council have passed

Council Memorial relative to creating the office of enrolling and engrossing clerk.

Mr. Kelley moved that C. J. R. No. 13, together with the House amendment thereto, be spread upon the Journal.

Which motion prevailed.

Mr. Strong, from joint committee on Enrolled Bills, reported as correctly enrolled,

An act to provide for printing the school and road laws of Washington Territory.

An act relative to the terms of the Supreme Court.

An act to legalize the survey of a Territorial road between the house of J. W. Goodell, and David Kindred's dwelling house, in Thurston county.

Resolution relative to confirming titles to land to settlers driven off by Indian hostilities.

Joint Resolution to wait on the Governor.

Memorial praying that a steam vessel of war and barges be stationed within the waters of Puget Sound.

An act to amend an act entitled, an act respecting executors and administrators, and the distribution of real and personal estate.

An act in relation to the construction of roads and highways, and to define the duties of supervisors of highways.

Mr. Miles moved to re-consider the vote by which the House refused to recede from their amendment to C. J. R. No. 13. Lost.

Council Joint Memorial relative to creating the office of enrolling and engrossing clerk.

Was read first time.

Rules suspended, and read a second time and amended.

Rules suspended, read third time and passed.

Message from the Council by their Clerk—

Mr. Speaker:—The Council have refused to recede from their amendment to

H. J. R. No. 14—Relative to General Wool ordering settlers out of Walla Walla county.

The Council have concurred in House amendment to

C. J. M—Relative to creating the office of engrossing clerk.

Mr. Henness moved that H. J. R. No. 14, be spread upon the Journal.

Which motion prevailed by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Blankenship, Briscoe, Caples, Chapman, Giesey, Henness, Judson, Kelley, Kiser, Knight, Longmyer, Miles, Morrow, Prebstel, Rhoeder, Rutledge, Strong, Thorndyke and Mr. Speaker—20.

Those voting in the negative were—

Messrs. Hinkley, Huntington, Meeker, Smith and Wilson—5.

The Resolution is as follows:

Joint Resolution relative to Gen. Wool ordering citizens out of Walla Walla county.

Whereas, During the past year, by a combination of the Indian tribes east of the Cascade mountains, and extending from the Columbia river to the waters of Puget Sound, our entire Territory has been in a state of war; men, women and children have been barbarously murdered, many settlements almost entirely destroyed, a large portion of our farm-

ing population have been compelled to abandon their claims and take refuge with their families in block houses and the large towns.

And whereas, We have been falsely aspersed and cruelly slandered by publication of letters in newspapers in the States, both from a high official source, and from persons purporting to be residents amongst us, who, under the shield of an anonymous signature, seek to gratify some personal end by stigmatizing our entire community as having been engaged in an unjustifiable war brought on by aggressions and continued for speculative purposes. And Whereas, by reason of our not receiving that prompt aid which, as citizens of the United States, we had a right to claim, an absolute necessity for our preservation compelled our authorities to keep in the field a force of several hundred men to protect the settlements and pursue and punish the Indians who were laying waste the country in all directions. And,

Whereas, We believe the population of this Territory is composed of a law abiding, industrious, humane and intelligent people, who, with commendable enterprise, are endeavoring to build up in this remote section of the country a prosperous community, and, that having been forced to take up arms in defence of their lives and property, they have naught to fear from an investigation of the facts, therefore, be it

Resolved by the Legislative Assembly of the Territory of Washington, That we invite the most rigid scrutiny into the causes and conduct of the war as the most complete refutation of the unjust charges that have been made concerning its origin and management, sincerely believing that history cannot exhibit an Indian war in which there has been so little provocation upon the part of the whites.

Resolved, That the people of this Territory are mainly indebted to the volunteer forces for the restoration of peace, that the promptness with which men of all ages enlisted at the call of the Executive, the patriotism evinced, the hardships encountered, and the victories achieved, often over vastly superior numbers, entitle all of whom they were composed, to our lasting gratitude.

Resolved, That with pleasure we acknowledge the zeal and efficiency displayed by Gov. Stevens in his conduct of the war, and to his ability and untiring energy much is due. That the war has been carried on both with vigor and economy, and that to him and his efficient subordinate officers, we tender our thanks and the thanks of the people whom we represent.

Resolved, That we cannot refrain from condemning in the strongest terms, the course pursued by the regular troops in the Yakima country last spring—that we do not believe it was the intention of the govern-

ment to transport into the field a large force, at an immense expense, for the sole object of conveying provisions to hostile Indians. We believe the army was raised for the protection of the country, and when it does not accomplish that purpose, or at least make the attempt, it ceases to fulfil the intent of its organization, and degenerates into a mere useless pension list.

Resolved, That the order of Gen. Wool, prohibiting settlers from occupying their claims in the county of Walla Walla, is utterly illegal, and deserving of the severest censure, and that our delegate in Congress be instructed to inquire of the War Department by what authority a military officer arrogates to himself the right to dictate government to a civil community.

The joint committee appointed to wait upon the Governor, reported that his Excellency had no further communication to make.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the President of the Council has signed

An act to amend an act entitled, an act relative to crimes and punishments, and the proceedings in criminal cases, and an act entitled an act to regulate the practice and pleadings in prosecutions for crime.

An act to amend an act entitled, an act relating to gaming and gaming contracts.

An act to re-locate so much of the Territorial road from Pacific City to the Narcota Landing as lies between Baker's Bay and the Pacific coast.

An act to apportion the representation of the Territory of Washington.

An act relative to burying grounds or places of sepulture.

An act to give probate courts jurisdiction in civil cases.

An act relative to the construction of statutes.

An act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the district court.

An act to enlarge the jurisdiction of probate courts and justices of the peace in criminal cases.

An act to amend an act entitled, an act to regulate practice and proceedings in civil actions.

An act to establish the amount, and provide for the payment of costs in certain cases.

On motion of Mr. Miles,

The Journal of to-day was read and approved.

Mr. Strong, from Joint Committee on Enrolled Bills, reported as correctly enrolled,

C. J. Memorial relative to creating the office of engrossing clerk.

The Speaker gave notice that he would now sign said Memorial.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the President of the Council has signed

Memorial relative to office of engrossing clerk.

The Council have passed

H. B. No. 67—An act to re-enact and amend the act entitled, an act authorising Washington Hall to establish a ferry across the Columbia river.

Mr. Strong, from joint committee on Enrolled Bills, reported as correctly enrolled,

H. B. No. 67—An act to amend an act authorizing Washington Hall to establish a ferry across the Columbia river.

The Speaker gave notice that he would now sign said act.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to inform the House that the President of the Council has signed

An act authorizing Washington Hall to establish a ferry across the Columbia river.

Mr. Strong moved that the thanks of this House be tendered to the officers of the House for the faithful manner in which they have discharged their respective duties.

Which was unanimously adopted.

On motion of Mr. Miles,

The Clerk was instructed to inform the Council that the House were now ready to adjourn *sine die*.

Message from the Council by their Clerk—

Mr. Speaker:—I am instructed to inform the House of Representatives that the Council is now prepared to adjourn *sine die*.

On motion of Mr. Miles,

The House adjourned *sine die*.

R. L. DOYLE,
Chief Clerk,
Fourth session, House of Representatives, Washington Territory.

GOVERNOR'S MESSAGE.

12/30/56

Fellow citizens of the Legislative Assembly,

of the Territory of Washington:

I congratulate you on the comparatively happy auspices under which we now meet. The last Legislative Assembly had its session in a period of gloom and despondency, when our people had been compelled to congregate in block-houses for protection—when both east and west of the Cascade mountains a wily and treacherous foe were dealing fire and death upon our homes and people—when the fealty of a large number of the so-called friendly tribes was uncertain.

A vigorous and united effort was made; more than one-half of the able bodied men took up arms; the citizens with unexampled patriotism turned out their animals, their provisions and their shipping. A vigorous campaign was waged in the enemy's country; decisive blows were struck, the allegiance of the friendly Indians not only strengthened, but their effective aid secured us auxillaries, and in a few months the hostiles on the Sound were reduced to unconditional submission, or driven across the Cascades.

We meet to-day under comparatively the auspices of peace and returning prosperity. The Sound is whitening with the sails of commerce, the fields are preparing to make returns to the labor of the husbandman, and through most portions of the settlements our citizens can travel with safety.

Not that now there is no danger—not that now a lasting peace has been secured with the Indian tribes of the Territory—not that now all our citizens can return to homes which have been made to smile through honest years of labor—not that now our people can seek new homes under the

solemn safe-guards of the government and the plighted faith of the Indians —not that now there is not vigorous action and an intelligent forecast required to put our Territory on the vantage ground due to its geographical position, and individually, to its people for their generous sacrifices in the cause of humanity and their country—not that now a want of appreciation does not exist, both of the rights of our citizens under existing laws, and of the true policy which should characterize the military operations of those sent here for our protection. Our people have not had the sympathy and the protection to which they were entitled, and the facts will be briefly set forth in this address.

Let us have confidence in the justice and discrimination of the Government, which will, I firmly believe, correct all these evils. Let us see to it, that we use every exertion to ameliorate them.

The message of acting Gov. Mason to the last Legislative Assembly, set forth the causes of the war, and the operations in prosecution of it which had been undertaken previous to its assembling, and the address which I delivered on my arrival from the Indian country, announced the policy which ought, in my judgment, to characterize all the operations of the Government with the hostile Indians, and the necessity which the Territory was under of permitting its volunteers no longer to be mustered into the regular service in consequence of a breach of faith.

The war had its origin in the Indians treacherously killing some of our best citizens, both east and west of the Cascade mountains, not sparing women and children, in the teeth of the faith of solemn treaties. It was not caused as has been falsely asserted by bad conduct on the part of the citizens, who have been habitually kind to the Indians.

The troops were at first mustered into the regular service, but when they were mustered out in utter disregard of an agreement to muster them in and send them on a specific service, the time had come for the territory to muster them into the service on its own responsibility.

The Indians to be conquered and peace to be permanently established, the one should feel the power of the Government, and the other should be on the basis of absolute submission to its justice and mercy.

These views met with the approbation of your predecessors, and I am indebted to them for their confidence in leaving to my discretion the organizing of the territorial forces, and applying them to reducing the enemy to submission. I have endeavored to do my duty in a way that should be creditable to the territory, should sustain the prestige of American valor, and keep in the ascendant the American flag.

It was during the session of the last Legislative Assembly that I issued my proclamation calling out volunteers for six months.

This force was organized into three battallions, which were designated

as the Northern, Central, and Southern battalions, each of which elected its Major, and the two latter were organized into a single command by the election of a Lieutenant Colonel.

The Northern battallion under the command of Major Van Bokelen consisted of Co's G, Capt. Smalley; H, Capt. Peabody; I, Capt. Howe. The Central battallion under Major Gilmore Hays of Co's B, Capt. Rabbeson; C, Capt. Henness; E, Capt. Riley; F, Capt. Swindal—the Pioneer company, Capt. White, and the train guard Capt. Shead. Southern battallion, Major Maxon of the Washington Mounted Rifles, Major Maxon, Captain; D, Capt. Achilles; E, Capt. Miller, and K, Capt. Goff.

A Quartermaster and Commissary's department was organized throughout the territory, by the appointment of a Quartermaster and Commissary General, an Assistant Quartermaster and Commissary General, and seven Quartermasters and Commissaries, besides one Regimental Quartermaster and Commissary on duty with the troops in the field.

Care was taken to supply the troops with the proper force of medical officers, expresses were organized throughout the territory, and every exertion made to collect supplies and transportation.

The plan was to guard the line of the Snohomish by the whole available force of the Northern battallion, to move with the Central battallion at once into the heart of the enemy's country with one hundred day's supplies, to operate with the Southern battallion east of the Cascades, and to combine all the operations by a movement from the Sound to the interior, or from the interior to the Sound, according to circumstances.

It was also determined in all the military operations to occupy the country permanently by roads and block-houses, and one of the companies was enlisted expressly for such service, and was named the Pioneer company.

The citizens moreover were urged not to leave the borders of the settlements, but wherever there were three or more families, to build a block-house and hold a firm front to the enemy.

My proclamation was dated the 22nd day of January. On the 19th February the Central battalion moved from the Yelm prairie, the 20th, 21st 22d and 23d, it established the post at Camp Montgomery, the 25th, 26th, 27th, 28th and 29th, the post and ferry at the emigrant crossing of the Puyallup, and on the 10th of March fought the decisive battle of Connel's prairie, where previously a post had been established, the only general engagement with the Indians of the Sound since November, 1855, which resulted in a loss of thirty killed and mortally wounded to the enemy.—The Indians then scattered into small parties, with the evident design of burning and laying waste the settlements. The report of Major Hays which will be found in the accompanying papers will best show how well

each company of his command did its part. It will be invidious to particularize, except that it will be proper to state that the alacrity with which Capt. Henness' company, ordered for ranging duty, left behind their horses and went forward on foot, is deserving of special mention. They took an active part with company B, Capt. Rabbeson, the Pioneers under Capt. White, the scouts under Capt. Swindal, in this decisive engagement.

In the meantime, the northern battalion was being organized and sent up the line of the Sno-ho-mish; Port Townsend was the general depot of supplies, and the friendly Indians of the Holmes' Harbor reservations performed the canoe transportation for the rivers. Fort Tilton, near the falls of the Sno-qual-mie, was occupied the latter days of February and early in March. The route thence to Ranger's Prairie, above the falls of the Sno-qual-mie examined, and, on the 13th March, Major Van Bokelin, with company G., Capt. Smalley, consisting of 46 rank and file, and 76 friendly Indians, marched through the forests to the camp of the central battalion on Connell's Prairie.

Soon after returning to Olympia from the Blackfoot country, I went down the Sound to take the necessary measures for its defense, and inspect the Indian reservations. The result was the organization of a volunteer company at Seattle, by the election of the Chief Justice of the Territory as its commander, and the sending a force of Indian auxiliaries under Pat Kanim against the hostiles known to be on Green River under Leschi.

The Indian Agent of the Sound district accompanied the force up the Sno-ho-mish river, and the result was one skirmish, resulting in the seizing and hanging two of the hostiles, and a severe battle, inflicting a loss of five killed and six wounded, upon the enemy.

The same force of Indian auxiliaries accompanied Major Van Bokelin on his march from the Sno-qual-mie to Connell's Prairie.

Previous to the battle of Connell's Prairie, White and Northcraft, two of the most respectable citizens of the territory, were killed within 12 miles of the capital, and there was grave cause of apprehension that, as the central battalion moved into the enemy's country the hostiles would turn its flank, and fall upon the settlements now disgarnished of troops.

Being unwilling to make any retrogade movements, the effect being mischievous in depressing the morale of our troops and raising that of the enemy, I determined to move the southern battalion, already en route for the interior, to the Sound, unite it with the central battalion to operate vigorously on the Sound till the war was closed, and then carry out the original plan of operating in the interior, by sending over the Cascades all the available strength of the territorial forces. The order was obeyed with an alacrity and promptitude which calls at my hands for the warmest

commendation. The express carrying the order left Olympia at midnight, on the 2d and 3d March, and on the eleventh, Capt. (afterwards Major) Maxon reported his company at the Falls, two miles from this place, for orders. The distance traveled both ways by the express and by the troops being nearly three hundred miles. It must be borne in mind that the roads were in the worst possible condition, and the weather rainy.

The other companies of the southern battalion soon followed. Those of Capts. Miller and Achilles were advanced to the border settlements of Pierce and Thurston counties, and that of Capt. Goff was held in reserve on the Skookum Chuck.

At this juncture, additional bands of Indian auxiliaries were employed from the Chehalis and Squaxon tribes for the purpose of scouting the country in the vicinity of the Nesqually, and offers of assistance were freely tendered by nearly every tribe on the Sound. The Northern Indians had also previously tendered their services, which were declined, excepting some eight men who acted as scouts in connection with the northern battalion. These arrangements enabled the country to be held firmly, and gave the force to send parties in the various directions to hunt up and reduce the enemy.

The orders were accordingly given, and all the arrangements made to penetrate the fastnesses whence the Indians sallied forth to spread devastation and death, when a difficulty, which had been felt acknowledged, and made great cause of complaint from the commencement of the war, assumed an aspect which called for the promptest action.

I refer to the so-called neutrals in the war, who remained on their claims unmolested, when our patriotic citizens were compelled to live in block houses. There is no such thing in my humble judgment as neutrality in an Indian war, and whoever can remain on his claim unmolested, is an ally of the enemy, and must be dealt with as such. These men, I ordered in to the towns, giving them the choice of residence at Olympia, Nisqually, or Steilacoom, and on their returning to their claims in violation of orders, I caused them to be put in close confinement at Steilacoom.

Thereupon, exertions were made to procure their release, which I met by my proclamation placing Pierce county under martial law.

The testimony of the military officers in the field—that their exertions were fruitless to find the enemy till the decisive step had been taken of ordering and keeping in the suspected persons, and that afterwards they repeatedly struck them, and effectually prevented their rallying again, is the best evidence of the necessity of the course taken by the executive. I took the responsibility as an incident of the war, and as necessary to its successful prosecution and termination. The whole territory was in a

state of siege; more than one half of the able bodied men were in the field; the sole business almost of the territory was the war. It was no time for half measures, or for running the risk of the slaughtering of our families and the destruction of our property.

Not only was the executive frequently besought, previous to his proclamation of martial law, to enforce it all over the territory, but a military officer in command of regular troops was urgently advised to do so over a portion of the territory by persons who felt aggrieved by the action of the executive.

When the time has come for all members of the community to resort to arms—when the officers of justice are in the field in command of troops, it would seem to be the dictate of patriotism, and to be an obligation of duty to avoid a collision with the authority entrusted with the general defense. Least of all, would it be expected that the field should be abandoned not only without orders, but without notice, to enter upon a course, the inevitable result of which was to bring about a collision, and engender strife and ill feeling amidst a population already too small when united, to defend itself from the common enemy, and leave hands enough at home to procure food for the coming year.

I impute no want of patriotism, no inconsiderateness of action to those who have differed from me; I concede to all the highest motives of action which may be claimed. I speak of stubborn facts, and of the inferences to be drawn therefrom, and of the practical tendency and effect of the action of those who sought to strike down the executive, when laboriously and honestly exerting his whole force to bring back peace and prosperity to a suffering people.

I now leave this matter of martial law in your hands, fellow citizens, of the legislative assembly, and I invite your most rigid scrutiny into the necessity of proclaiming it, and the measures taken to enforce it.

The massacre of the Cascades rendered it necessary to call more volunteers into the service, and one company under the command of Capt. Wm. Kelly was raised in Clarke county, and another under the command of Capt. E. D. Warbass, in Lewis county. Both counties were blockhoused, and in Lewis county the roads were improved to facilitate communication, and two ferries established on the Cowlitz to make the trail to Monticello practicable to troops at all seasons of the year. Small parties of Indian auxilliaries were also employed in Lewis county to watch the trails and procure information.

In the meantime sight was never lost of the fact that a contingency might arise making it necessary to operate east of the Cascade mountains, and whilst the Southern battallion was operating with the Central and Northern battalions in bringing the war to a close upon the Sound, sup-

plies and transportation were pushed to the Dalles, and accumulated at the Yelm prairie, and at Camp Montgomery to move over the Cascades.

Till the war was brought to a close east of the mountains, the Sound was not free from danger. The Sound hostiles were acting in concert with those of the Yakima and other tribes, and had been actually assisted by a force of sixty Yakimas under the son of *Owhi*. To secure the permanent peace of the Sound, it was essential to carry its arms east of the mountains, and to teach the Indians, that not only was the Sound adequate for its own defence, but that it had the force to "carry the war into Africa."

Had the operations of the regular troops been energetic and decisive, had the true policy of the war been inflexibly carried out, I should have hesitated long before I sent troops east of the Cascades, except in obedience to a requisition of the principal officer in command. But when I received official information from Col. Wright, in command of the Northern District, that he did not intend to operate in the Walla Walla, that his advices were that the Indians in that quarter and on the Snake. were friendly, and when furthermore, it being necessary to send an Indian train with supplies to the Nez Perce country, my requisition for an escort was practically refused by being referred to Gen. Wool, the time had come for a prompt and vigorous movement.

When I met the Nez Perces in their own country last December, they were staunch in their determination to abide by their treaty, and to keep hostiles out of their country. They offered their warriors to see me safe through the hostile country. They organized a company of fifty volunteers to maintain the integrity of the nation, to defend the agent and keep all hostiles out.

When the regular troops commenced their feeble and procrastinating course in the Yakima country, disaffection which had already commenced in consequence of a tampering with them by persons having no authority, rapidly spread among the Nez Perces, and the Agent and the reliable chiefs advised me that unless troops were rapidly sent there, the majority of the nation would be plunged into the war.

I accordingly determined to push forward all the available troops with the least possible delay. Lt. Col. B. F. Shaw was intrusted with the command, with Majors Maxon and Blankenship as the battalion commanders.

At this junction, I proposed to Lieut. Col. Casey a joint operation over the Cascades into the Yakima, he moving over the Nachess with three companies, one to be retained near the pass, and the volunteers to move over the Sno-qual-mie with a wagon train, that pass being much lower and more open than the Nachess, and there being much less snow upon it, for Major Van Bokelin had examined the pass and reported the

quantity of snow, and his expresses had reported that a wagon road could easily be made on that line. The engineer officer, Capt. De Lacy, was sent over the route to verify the fact by actual observation, and transportation was collected in readiness to move with the wagon train, should the route be found one that the available working parties could make practicable in season. Col. Casey declined the combined operation and sent his force to the assistance of Col. Wright by way of the Columbia, and Capt. De Lacy having reported the route impracticable for the time allowed to build it, I determined to move over the Nachess with pack animals.

It will be recollected that when Col. Wright first moved into the Yakima, he met a large force of hostiles near the Nachess, marched to and encamped on its banks, and sent back for reinforcements. Lt. Col. Shaw by my orders sent an express over the Nachess, consisting of Messrs. Coffee and Sharp, to get information and to inform Col. Wright that the volunteers were about moving to his assistance.

The successful accomplishment of this very arduous and perilous service, furnished the information that the route was entirely practicable, and Lt. Col. Shaw started from Camp Montgomery on the 12th of June. His force consisted of the following companies of the Central and Southern battallions under the respective Majors Blankenship and Maxon, viz: Co. C, Capt. Henness; Washington Mounted Rifles, Major Maxon; Co. D, Lt. Powell, and Co. J, Capt. Miller; numbering in all, 175 officers and men. The pack train consisted of 27 packers and 107 pack animals, under Capt. Armstrong, the regimental Quartermaster and Commissary.—He determined after crossing White river at Porter's to keep on the north bank of the river, though by a veteran and energetic officer it was pronounced impracticable, and he successfully accomplished the undertaking and brought his force to the Wenass without the loss of a day, and with but that of a single animal.

Whilst Shaw was marching over the Cascades, new troops raised on the Columbia, rendezvoused at the Dalles, and on the 22d of June, a force of two companies of 175 men under Capts. Goff and Williams, with a train of forty-five wagons and 35 pack animals in charge of Quartermaster and Commissary Robie, commenced its march from the Dalles to join Shaw at Walla Walla.

On the 9th of July the whole force came together on Mill Creek in the Walla Walla, including the Nez Perce auxiliaries, who marched from the Nez Perce country under Lt. Col. Craig, except a force of about seventy-five men, which, under Goff, separated from the train on the Umatilla to march to the assistance of Major Layton of the Oregon volunteers, in presence of a large number of the enemy, in the Blue mountains.

At a conference held with the Nez Perce chiefs, the strongest assu-

rances were given of the friendship of the whole nation, and Capt. Robie proceeded without an escort other than that furnished by the Nez Perces, with an Indian train to the Nez Perce country.

Lt. Col. Shaw learning that the hostiles were in the Grand Ronde, determined to march against them, and moving in the night by an unused trail, he fell upon the main body the third day, and struck the hardest and most brilliant blow of the war. The enemy were pursued some fifteen miles, nearly all their provisions and ammunition were captured, over two hundred horses fell into his hands, and the loss of the enemy could not have been less than from forty to sixty killed and mortally wounded.

Two days before the battle of the Grand Ronde, the Washington volunteers, in concert with the Oregon troops, fought the battle of Burnt river, having pursued the enemy from the head waters of the Umatilla.

Whilst these decisive operations were going on, for the full account of which I will refer you to the reports of Col. Shaw and his officers, the disaffected portion of the Nez Perce nation began to use threatening language again and ordered Capt. Robie, who had just arrived with his train, out of their country. Capt. Robie returned by forced marches, found Col. Shaw at the Walla Walla, just returned from the Grand Ronde. The Nez Perces, however, again professed friendship on hearing of the success of our military operations, and in answer to Col. Shaw's message, stating he was their friend, but if they beat their drums for war, he would parade his men for battle, made again the most earnest protestations of friendship.

This seemed to be a favorable moment for doing away with disaffection, and I immediately had word sent to all the Indians, both friendly and hostile, to meet me at Walla Walla. It was made an express condition that the only basis on which a conference would be held with the hostiles was that of absolute submission to the justice and mercy of the government. Col. Shaw, who in obedience to his original orders had already communicated with the Indians to the same end, now sent my message to all the tribes. The hostiles were directed to come without their arms.—They were guaranteed safe conduct coming to, at, and returning from the Council ground.

The day my express started for the Walla Walla, calling into council the Indians, my proclamation was issued calling out two hundred volunteers to strengthen Shaw's command—nearly every man going out of service from the expiration of his term of enlistment; at the same time I addressed Col. Wright, in command of the Northern district, a letter urging him to occupy the Walla Walla with regular troops, and to accompany me to the Walla Walla to be present at the council.

On my way to the council, I met Col. Wright on the Columbia river, and having ascertained from him that he was despatching a force of

regulars to the valley, and that they would probably reach that point in season for the council, I revoked my proclamation calling out two hundred volunteers, and the result of many conferences which I had with him before leaving the Dalles, was, though he was unable to accompany me from the press of other duties, that I was led to expect the co-operation and assistance of the regular troops about to occupy the Walla Walla valley.

The regular troops, consisting of four companies, reached the valley early in September, and the volunteers, except a single company, that of Goff, was sent down to be mustered out of service.

The council was now opened. A large assemblage of Indians were on the ground. The head chief, chiefs, principal men, and nearly one-half of the bulk of the Nez Perce nation, the Cayuses, the Walla Wallas, the Umatillas, the chiefs of the Des Chutes and Tye Indians, the Palouses, the Yakimas, and individual members of the other tribes. So hostile were nearly all the Indians but a portion of the Nez Perces, that I made a requisition upon Lt. Col. Steptoe to protect my camp, about to be left without troops by sending down Goff's company, whose terms of service were also expiring, and on his refusal to comply with my requisition, that company was retained to guard my camp.

The council continued six days, with an interval of two days occupied in transferring the council ground to the vicinity of Lt. Col. Steptoe's camp, some seven miles from the point where the council opened, a step absolutely necessary to guard my party from an attack during the holding the council, Steptoe refusing to send any troops to strengthen my escort.

The result can easily be predicted. The Indians felt there was a difference of judgment and action between the Superintendent of Indian Affairs and the military officer in command. The one inflexibly insisted upon absolute submission, as the condition of a suspension of hostilities, utterly refused to grant other terms, demanded the giving up of murderers to punishment. The military officer did not recognize a state of war, and proposed to treat them as though they had been good Indians from the beginning.

All this occurred when their deportment was insulting, when in their camps they threatened nothing but war, and when in council they were as persistant in demanding an abrogation of all the treaties and the withdrawal of the whites from the country, as I was in demanding obedience to the law in all its various obligations, whether cessions of land, surrender of murderers, or respecting the lives and property of the whites.

The honor of myself and my party, the Indians having come to the council on a pledge of safe conduct, was concerned in no act being done, ever under provocation, which would taint the good name of our people,

already for a long time the theme of slander and vituperation at the hands of malicious and designing men.

The council adjourned without effecting its object. Nothing was accomplished in healing the difficulties of the Nez Perces. I started on my way home and was attacked before I had gone three miles by a vastly superior force of the enemy. No impression was made upon the party, not an animal was captured, and but one man killed. A considerable loss was inflicted upon the Indians.

I indulged the hope that this act of the Indians would awake the officers in command of the regular troops to the actual condition of affairs, and that, as the Indians had not only attacked the authorities of the territory, but the regular camp itself, had burnt out all its grass, and had compelled it to move to another place, that the attempt would be made to chastise the Indians and make them feel the power of the government—the more so, as the regular service were witnesses of the propriety and moderation which characterized the proceedings of the council, of the extraordinary forbearance and good conduct of the volunteers and Indian employees, and that there was not the slightest provocation for the attack made by the Indians near the council ground.

Unhappily other councils have prevailed, and I have recently received intelligence that the quasi peace policy of the Yakima had been adopted in the Walla Walla, and that a temporary quiet had been established by surrendering to the demands of the Indians. Col. Wright met in October, the prominent hostile Nez Perce chiefs, and there took the ground that the treaty ought not to be insisted upon.

This ground taken in connection with the order which Lieut. Col. Steptoe has recently published by order of Gen. Wool, prohibiting in fact the settlers returning to their claims in the Walla Walla valley, presents the most extraordinary and unprecedented abandonment of the great duty of protecting our citizens and maintaining the honor and dignity of the government in the whole annals of our Indian relations. It calls for the most earnest remonstrance at your hands, and for the prompt interposition of the home authorities.

I will again inquire, even at the risk of some repetition, under what circumstances did the war commence on our part, east of the Cascades? Treaties had been made with the most powerful tribes in that quarter, the Yakimas, the Walla Wallas, the Cayuses, the Nez Perces and other tribes, in which it was guarantied that whites should pass unmolested through their country, and that the whole country should at once be open to settlement, except the tracts set apart for reservations and those actually enclosed and under cultivation by the Indians. Our citizens in good faith started, some with their flocks and herds, to locate on the fine grazing lands of the

interior, and others to explore and work the gold mines further north.—They were orderly citizens, who had established characters for sobriety and integrity at home, and who would have kept, and did keep untarnished, the good name of the territory in the progress eastward of its settlements. Many of these citizens entirely unsuspicious of danger were ruthlessly and treacherously killed in the Yakima, and when the Agent of the Yakimas, Bolon, went to their country they killed him also, and danced his scalp in their camps. Thereupon it was determined to demand the murderers, and in the event of resistance, to punish the tribe; two expeditions marched into the Yakima with this avowed object. The first was driven out by an overwhelming force of the enemy, and the second drove the Yakimas out of their country to east of the Columbia, and then abandonded the country itself. The third expedition, under Col. Wright, seems to have lost sight entirely of the imperative duty which devolved upon it of seizing these murderers and of not relaxing in a single jot or tottle the original purpose of the war. Its long delays, its refusal to fight when opportunities offered, its great desire to talk, its persisting in talking even though the Indians did not make their appearance in the council house prepared for their reception, its long marching and countermarching, its proclaiming a peace in the Yakima, not a murderer seized and held in custody, its affectation to treat as refugees and men of no influence the great chiefs as Kamiakin and the flower of the nation, who were at this time at work stirring up the tribes of the interior, leaves on the mind the impression that it was not the object of the expedition to bring to an honorable and just close an unhappy state of things, to enforce the honor of our arms and the power and justice of our government, but simply by quasi peaces and pretended conciliations to cast the whole censure of the war upon our people, and to bolster up the reputation of a veteran commander, who having grossly mistaken the character of the contest, having slandered most cruelly and falsely the people of the territory, was endeavoring to sustain himself at any and all sacrifices of honor, truth, and the public welfare.

A temporary quiet undoubtedly now exists in consequence of the regular service having surrendered to the demands of the Indians. That quiet may continue so long as the regular service continues to be the ally of the Indians. But call upon the Indians to surrender the murderers—call upon them to give free passages to all whites passing through their country—call upon them to molest no white settling any where in the country except on the lands set apart as reservations, and the quasi peace will be broken and the tribes will again appear in arms.

These facts have all been presented by me to the authorities at home. I have earnestly called for some action of the government. I have recommended that all the hostile tribes be planted by the strong arm of the

military power on reservations to be established by act of Congress.

Under the donation law, the whole country is now unquestionably open to settlement, and there is no authority short of a law of Congress, or of the sanction of the Senate to a treaty with the Indians, which can say to the settler, thus far shall you go and no further. But in the case of claims actually taken, where the provisions of the donation law have been complied with, not even Congress can take away the right therein vested in the citizen without compensation; much less can a military officer in the plentitude of his power, issue his edicts, wiping out the entire country of Walla Walla.

I congratulate you, fellow citizens of the Legislative Assembly, that on this your assembling, you will find nothing to reproach the people of our beloved territory with, for their conduct either at home or in the field.

During the first six months of this war, not an Indian was killed except in battle. Throughout the war, not an Indian has been killed in a volunteer camp. Captured animals have been accounted for as public property. The animals and property of friendly Indians has been cared for and returned to them. Since last April some murders have occurred, one recently, under circumstances of great aggravation; but the wonder is that these murders were not much more numerous, for it must be borne in mind that for a long time the fealty of all the tribes was uncertain, our citizens were in constant apprehension, and a spirit of exasperation gradually rose and gained strenth in consequence of the positive suffering of the entire community.

Our troops have been subsisted as well, and as systematically as those of the regular service. Our Quartermaster department has at least been as efficient. The troops have never been delayed for want of transportation. They have never starved and been tempted to plunder for want of subsistence.

But above all, we have waged the war with humanity, with moderation, with honor to our country and honor to ourselves. The dignity, the justice, the mercy of the government, has been vindicated at our hands.

On the Sound, where our force exceeded that of the regular service, where we occupied the circumference, and the regular service the centre, we point to our block-houses, to our roads, to our scouts, to our expresses, to the battles fought, to the camps struck, the Indian auxiliaries brought into the field, to the hostile Indians reduced to unconditional submission, to the general quiet and contentment of the Indian tribes, as evidence of the vigor, the judgment, and the success of our operations.

The march over the Nachess with ample supplies, the troops cutting the road as they marched, snow still on the mountains, each animal taking its sack of oats for three nights without grass, and the horseman going on

foot, the simultaneous movement of our troops on the Columbia with the trains and supplies from the Dalles, the vigorous scouts made on the route, and the movement of our Indian auxiliaries from the Nez Perce country, and all meeting in the Walla Walla on a single day, show that our troops had discipline, had constancy, had patriotism, had the public service alone at heart. It shows too that military skill was applied, and that we had good leaders as well as good men.

The movement of the Northern battalion to Seattle and the head of the Sound amid drenching rains, having to cross swollen streams, and the march back again, its trails cut on this line, on the line over the Sno-qual-mie into the main Yakima and down the Sno-qual-mie river, show that it could work as well as fight, and that it appreciated the old Roman principal of conquering a country by the roads it built.

One thing yet remains to establish the permanent peace of the Sound, so far as it is disconnected with its relations with the tribes east of the mountains. I refer to apprehending and seizing the Sound murderers. I made requisition upon Col. Wright for their delivery to the civil authority when they were in the Yakima, which he agreed to comply with.

Since their return to the Sound, I have made a similar requisition upon Lieut. Col. Casey, and he has finally returned an equivocal answer referring the matter to Gen. Wool.

It is manifest that a peace cannot be considered as achieved, or the functions of the military exhausted, so long as the great leaders and instigators of the war are at large, especially if such men are arraigned before the tribunals of the territory on charges affecting their lives. It is understood that the military have proclaimed a peace, and holding them to the logical consequences of such proclamation, we have the right to hold them responsible for the delivery of these men as in their actual custody. I regret to inform you, gentlemen, that there is no disposition on the part of the service here to do what I conceive to be its duty in the apprehension of these men. There is a strong disposition to ascribe all the efforts made to secure them, to a spirit of vindictiveness and vengeance.

I have refused to receive the last instalment of Indian refugees from the Yakima, till the murderers of their number had been apprehended and turned over to the civil authorities. I shall then receive the remainder and provide for them.

I have to speak in terms of the warmest commendation of the conduct of the officers and men of the volunteer forces, and of the efficiency of the several branches of the staff. That most difficult of all the departments—the Quartermasters and Commissary department—which, generally kept distinct, was a single department in our service, has had extraordinary efficiency imparted to it, reflecting the highest capacity and

devotion to the public service, upon its chief and subordinate officers. In this connection I will call your special attention to the able report of Gen. Miller, and I will state that all the commendation which in it he bestows upon the officers and employees of his department, is simply their honest dues.

The special acknowledgments of the people of our territory are due to Oregon for the aid which it freely tendered to us in the prosecution of the war. The companies of Miller, Goff, and Richards (afterwards Williams) were almost exclusively raised in our sister Territory.

In the management of the volunteer service, it has been found that the dishonorably discharging of men for disobedience of orders, or for bad conduct, was in most cases sufficient to prevent a laxity of discipline. Every persistent disobedience of orders has been followed by a dishonorable discharge; the effect of which will be to forfeit the pay and allowance of the offending party.

Military courts have rarely been assembled. A court martial for the trial of some minor offenses, was called in the Walla Walla by Lieut. Col. Shaw: a military commission at Seattle for the trial of Indians, and one at camp Montgomery for the trial of certain persons accused of corresponding with, furnishing food and ammunition to the enemy, and, of volunteers charged with conduct prejudicial to good order and discipline. Resorts to military courts have been discouraged, and the slight necessity for them is cause of congratulation.

One of the most significant facts in proof of the serious character of our Indian troubles, is that it drove all but one of our surveying parties from the field, and for a considerable period suspended the operations of that branch of the public service. The territory, however, has the benefit of the military experience of the Surveyor General, as Adjutant General of the Volunteers; and I take this occasion to make my special acknowledgments for his services.

In his report to the Commissioner of the General Land Office, Gen. Tilton says:

In October, 1853, this office had in the field 8 surveying parties in full and active employment. A simultaneous outbreak of the Indian tribes inhabiting the greater portion of the territory, and numerous murders committed by the savages upon our people, rendered it impossible for but one party to remain in the field.

As there were but about 1,700 white male inhabitants in the territory, and 2,000 Indians were absolutely in arms, it became a matter of vital necessity for all able-bodied men to bear arms in assisting the feeble garrisons of regular troops who were stationed at their widely separated posts.

"I entered the service myself, and, as adjutant general to the volunteer forces raised by Acting Governor Mason, did duty for several months in that capacity.

"Three of the young gentlemen of my office, Messrs. George Bright, Edward Gibson, and J. J. Lodge enlisted and made a campaign with credit. Almost all the deputy surveyors and the most of the surveying parties enlisted.

"As there were 2,000 Indians known to be hostile, and some 8,000 others wavering, active and decided measures were necessary to subdue them, and overawe those who were apparently only awaiting the chance to join which ever party proved the stronger. One thousand men were raised and subsisted for nine months by the patriotism and devotion of the scanty population.

"The families occupied the five villages and block houses of the territory, and almost every farm was abandoned.

"Such was the state of affairs at the opening of spring. By June last, the enemy occupying the region east of Puget Sound, and west of the Cascade range, were effectually subdued, and the usual employments of life resumed."

The whole expense of our service will be a matter of record in the course of this and next month, and every thing will be ready for the action of the commissioners appointed by the Secretary of War, to audit and allow the war claims of Oregon and Washington.

All the transactions of the volunteer service, in enlistments, discharges, purchases, issues and sales have been brought before the review of the executive. In regard to the service of troops, the papers have been consolidated in the office of the Adjutant General. Those relating to the purchases, issues and sales, in the office of the Quartermaster and Commissary General.

All scrip has been issued by the Quarter Master and Commissary General, and approved by the commander-in-chief. It has been registered in both offices. Sales have been made at public auction for scrip, and at prices exceeding in the aggregate the original cost, and the scrip cancelled appears on the books of the proper office.

The merit of our system is, that it has prevented the issuing of unauthorized scrip. It has enforced system and economy, and a strict accountability in purchases. The books show the service rendered or the articles purchased for any given price of scrip. It will make comparatively easy the labors of the commissioners in auditing our accounts.

There has been issued the sum of $1,019,090 20 in scrip, of which the sum of $132,721 09 has been cancelled by sales. About $40,500

remain to be issued, which will leave the amount of scrip to be redeemed $926,869 15.

In the three months organization, the force consisted of 16 companies, 17 captains, 28 1st lieutenants, 18 2d lieutenants, 813 non-commissioned officers and privates, giving in the aggregate 65,794 days service of a single man.

In the six months organization, the force consisted of 18 companies, 20 captains, 20 1st lieutenants, 18 2d lieutenants, 1002 non-commissioned officers and privates, giving a force of 1,060 men, and an aggregate of 133,259 days' service of a single man.

I subjoin herewith reports from the Adjutant and Quarter Master and Commissary Generals, setting forth the above statistics in detail.

I also subjoin reports from the ordnance officer, R. M. Walker, in regard to the public arms, and from the engineer officer, Capt. DeLacy, showing the posts and block houses established by our citizens and volunteers throughout the territory, the wagon and pack trails cut out. This report is accompanied by two maps, showing in detail the operations of our troops and people.

Accompanying this message will be found selections from the correspondence so arranged in appropriate divisions, as to give a connected and full view of all the operations of the war.

The correspondence with the departments and with the officers of the military and naval service, will but illustrate the desire which has animated me to co-operate with them, and to insure our joint efforts being directed against a common enemy. I deemed it my duty to refuse the requisition made at the instance of Gen. Wool, of Lieut Col. Casey, of the 15th March, for two companies of volunteers, to be mustered into the regular service, for the reasons stated in my letters to him of the 15th March, and to Gen. Wool of the 20th March. Our troops were in the field prosecuting a vigorous campaign. Supplies and transportation had already been collected for it, and it seemed to me not only unwise, but tending to mischievous results to change the plan of campaign, which promised a termination of the war. The requisition was obviously but a formal one, it being well known that it could not and would not be complied with.

I have been careful to communicate frequently with the military and naval officers, to the end that there might be no want of co-operation from lack of information, and the examination of the correspondence with Lieut. Col. Casey, will show that in the operations of the campaign we acted together. He was cognizant of and appreciated the importance of occupying the line of the Snohomish, and of sending into the field Indian auxiliaries. I will especially refer to his occupying our posts when it became desirable to have the services of our men over the Cascades, or to

provide for the disbandment of those whose terms of service were about expiring, as evidence of the merits of our operations.

The people of the territory are under obligations to the navy for their many and valuable services. The timely arrival of the quota of territorial arms for the river counties is due to Capt. Alden, taking them in his steamer, the *Active*, to San Francisco, and thence shipping them by the mail steamer to Vancouver.

The navy has cruised much on the Sound—has rendered great aid to the Indian service, and has always shown a spirit of sympathy for our situation, and a desire to relieve it is most emphatically exemplified in its services at Seattle, where, for many weeks, the place was garrisoned in part by men from the ships. Its recent brilliant engagement with the Northern Indians at Port Gamble, where, after exhausting all proper efforts to effect their peaceable removal from the territory, it resorted to arms—killing 27, and wounding 25 Indians, destroying their canoes and property, and reducing them to submission, will, it is hoped, stop further marauding expeditions. The blow was struck at a seasonable moment, for there is reason to believe the Northern Indians had an understanding with the hostile leaders on the Sound, and that they had agreed upon a junction with the hostiles from all quarters to attack the settlements at the head of the Sound. The apprehension of the two hostile leaders, Leschi and Quiemuth, probably prevented the combination, and the blow struck by the navy, it is hoped, will keep the Northern Indians out of the Sound.

The correspondence itself will best show the spirit which has actuated the navy.

It is cause of congratulation that every case of a loan of arms or ammunition made by public officers, whether of the army, navy or revenue service, notwithstanding the censure it provoked at the time from immediate superiors on this coast, in one case to the extent of threatening a removal from office, was not only approved, but highly commended and endorsed by the authorities at home.

In view of the war-like, hardy and revengeful character of the Northern Indians, of their means of transportation, canoes carrying seventy-five men, which can be moved with rapidity against wind and tide, their visits to our settlements ought to be discountenanced, and a steam vessel of war of large size and speed, with two efficient steam barges, should be furnished for our protection. I will again recommend that congress be again memorialized to grant this protection, and that the employment of Northern Indians be made penal by act of the legislature.

I will earnestly call your attention to the subject of a revision of the militia laws. I will recommend that not exceeding three regiments be

organized: that provision be made by law for the organizing of the staff, and for its appointment. No provision is made in the existing law for aids to the Commander-in-chief and the Brigadier General of the militia, nor for an officer of engineers, which, in some of the state organizations, has become a branch of the service.

All the able-bodied men of the territory should be enrolled as provided for under existing laws, but some encouragement should be given to volunteer organizations. I will recommend that some provision be made whereby four companies of rangers shall be raised as a part of the militia organization, and shall meet some two or three times a year, in camps of one week's continuance, for purposes of drill and instruction.

I would also recommend the organization of a small corps of artillerists and engineers, organized, say into four or six sections; each numbering from 15 to 20 men, with one lieutenant, one sergeant, and one corporal to each section, and the whole under command of a first and second captain. It should be the duty of the senior captain of engineers to keep constantly advised of the topography of the country, and its facilities of communication.

A medical department should also be organized.

From information derived from the Surveyor General, I present the following statistics in reference to the surveys of the public lands:

Statement, showing the amount of surveys executed in Washington Territory.

Amount surveyed under contracts with the Surveyor General of Oregon territory,	1,876 miles.
Amount surveyed since organization of Surveyor General's office in Washington territory,	2,969 "
Total,	4,845 "
Of which there has been surveyed since date of last message,	966 "
Amount now under contract,	225 "
Estimated amount of surveys for 1857,	4,500 "

Provision has been made for running our northern boundary line, but nothing has yet been effected in the way of relieving the territory from the foreign corporations in our midst. This want of action is retarding the settlement of the country, and has specially of late, been the cause of mischievous results. Colville is at this moment practically a British dependency, the road thither is closed to American citizens. Forts have been established north of the 49th parallel, a road has been opened to Frazer's river. I rejoice at the prosperity of our neighbors, but I mourn at its being built up at our expense, through the supineness of our troops, who have not opened the road to our citizens through our own territory, and through the failure of congress to act.

Let this be the subject of an earnest and vigorous memorial.

A steam mail service for the territory, which can be economically done, it being an established and conceded fact that the Sound can furnish the coal; works of defence for the Sound and the Columbia river; increased appropriations for military roads; appropriations for public buildings, will not, of course, fail to receive your attention.

Our remoteness from the seat of the general government has operated prejudicially to our interests. Our territory seems almost a *terra incognita* at home, yet it is situated on the great highway of the road of nations, and has the most magnificent and capacious harbors and roadsteads either on the Atlantic or Pacific shore. Its coal, its fisheries, its lumber, its gold, its extensive and rich grazing lands, its genial climate, its manufacturing advantages, and its soil, which yields the most generous returns to labor, present a combination of advantages second to no state or territory of our common country. West of the Cascade mountains, we have nearly as large an amount of rich arable land as in the state of New York—land which requires labor, it is true, to yield returns from its bosom, for our magnificent forests, a great source of our wealth, have first to be cleared away. The Walla-Walla valley, situated mostly in the territory of Washington, surpasses in extent, advantages, climate and soil, that of the great Salt Lake, and can subsist a much larger population. West of the Bitter Root mountains, for a hundred miles in breadth, the soil is not only good, but equal to that of the western prairies. The landscape in June a carpet of flowers, the streams lined with pine, and the country well watered. The remainder of the interior is not only all of it a good grazing country, well adapted to the growing of wool, as well as the raising of stock, but large tracts included in the Yakima purchase, are unsurpassed for roots and cereals. It is ignorance and presumption which pronounces this country fit only for Indians. Our citizens who have the experience of having successfully established new homes, have pronounced judgment by their acts in seeking again new homes in the interior. They deem the Yakima, the Walla-Walla, the Nez Perce purchase good for the settler. They have tried to go there for years before the purchase was made, and when the purchase was made, they at once started with their flocks and herds.

Surveyor General Tilton, in his last annual report to the Commissioner of the General Land Office, writes as follows: "Fine bodies of rich land have been explored in the vallies of the Chehalis river, which falls into the Pacific at Gray's Harbor.

"The bottom lands of the Nesqually, the Puyallup, the Snohomish, White and Green rivers, the waters of all which disembogue in Puget

Sound, are broad, rich, and of the most fertile quality, but densely timbered.

"East of the Cascades, and upon the Columbia river, and its northern tributaries, are also large bodies of excellent lands.

"The Cowlitz river, running southwardly and falling into the Columbia, also drains fertile lands, and has many of the oldest settlers in the territory among its prosperous farmers.

"All cereal grains, except Indian corn, flourish admirably here, the wheat being of excellent quality and abundant in quantity.

"If a permanent peace should be made with them (several powerful tribes of Indians east of the Cascade mountains) it will throw open a large extent of excellent country."

That there are valuable gold mines in the interior, requiring only protection to our people to the growing up of a hardy, mining community, is no longer a matter of doubt. The efforts making by the Hudson Bay Company, to control and monopolize this business by its forts and roads in British Territory near our line, honorable as it is to its enterprise and forecaste, should be met simply by protection on the part of our government, so that our citizens, through their individual enterprise, may enter into the competition. On one of the tributaries of the Wenatchepan, included in the Yakima purchase, and the next stream north of the main Yakima, a rich deposit of dust was found the present year, yielding twelve cents to the pan.

It is said we have land enough west of the Cascades for our present purposes. Why then do our people want to go eastward—are the people made for the government, or the government for the people? The government has decided the matter by directing treaties to be made, by establishing surveys, by its donation laws.

The treaties with the Indians of the territory, except those at the head of the Sound, have not yet been confirmed. I will urge your memorializing the President and the Senate in favor of the confirmation of the treaties with the Indians who have remained firm in their allegiance, as essential to the peace of the country, and that you also memorialize for an authoritative act of congress, to place the hostile tribes and bands on reservations, on the basis of absolute submission to the mercy and justice of the government.

The want of proper communications with the states, has long been a serious evil, and has assumed a darker magnitude since the commencement of our Indian troubles. Congress has made an appropriation for a military road from Fort Benton to Fort Walla-Walla, and under its appropriation, the portage at the Cascades has been made a good wagon road, and a trail has been opened over the Cascades from Fort Steilacoom.

Post routes have also been established from the head of navigation of the Mississippi to Puget Sound, and the Columbia valley. Nearly the whole intervening country is adapted to settlement, either on the part of farmers or stock raisers. There is no serious scarcity of water or fuel. Timber and building stone is either to be found almost the entire distance, or can be brought to a practicable vicinity by navigable waters. Nature has pointed out the route as one over which commerce must pass—along which settlements must spring up.

In my recent trip to the Blackfoot country, I examined with great care the Cœur d'Alene trail over the Bitter Root Mountains, and found it to be entirely practicable for a rail road, with grades not exceeding 60 feet to the mile—that it abridges the distance over the route by Clark's Fork 75 miles, and lessened the cost six millions of dollars.

The distance from Saint Paul to Puget Sound by the Cœur d' Alene trail, and over the Snoqualmie Pass, will be 1,800 miles. The distance to Vancouver, 1,789 miles.

The shortest practicable rail road route from the Mississippi to ship navigation on the Pacific, is through our territory, and the equated distance, whether the port of Vancouver or the Sound, will, in round numbers, be two hundred miles shorter than on the route of the 32d parallel, nine hundred miles shorter than on that of the 35th parallel, and seven hundred miles than that by the South Pass.

When, in addition to the greater shortness of the route, it be considered that it has the nearest connections with Asia and Europe, and that the latter connection can be made almost exclusively by water on the line of the great Lakes, a point of great importance, in view of the greater cheapness of freight on water than on rail road lines, the claims of the northern route to consideration from the government cannot be overlooked.

The question of a Pacific Railroad is not simply one of domestic intercommunication and of strengthening the fraternal bonds which unite us as a people, it is the question of a struggle for the commerce of the world. Over the rail must not only pass from Asia to Europe and back again, costly and perishable articles, but on this route the great bulk of Asiatic supplies for the teeming region of the north-west, where the territory of to-day is the populous state to-morrow, where the wave of population has nearly reached the Red River of the north, and is moving rapidly westward. The Indian war over in this territory, the reflex tide of emigration setting eastward from the Pacific, will in a single year pass over our interior plains, from the Walla Walla to the Spokane, occupying the Yakima, and our miners will be found thence to the 49th parallel.

I have always been and am still of opinion that several routes should

go on simultaneously to the Pacific, and that equivalent aid should be given to all through roads. But in view of the whole force applied to exploration having of late been thrown upon the southern route, and of its special endorsement by the department having charge of the rail road explorations, it seems to me the time has come for you to memorialize Congress to make grants of land to the northern route, and to provide for the completion of the explorations connected with it.

In this, my last annual message to the Legislative Assembly, I am especially reminded of the duty which devolves upon me of acknowledging the courtesy and kindness which has ever been extended to me by the several Legislative Assemblies of the territory, and by the constituency which elected them. I have endeavored faithfully to do my whole duty, and have nothing to reproach myself with as regards intention. I could have wished some things had been done more wisely, and that my whole course had been guided by my present experience. I claim at your hands simply the merit of patient and long labor, and of having been animated with the fixed determination of suffering and enduring all things in your behalf. Whether in the wilderness contending with the hostile elements, managing and controlling the more hostile aborigines, or exploring the country, or at the Capitol struggling with disaffection, the subject of obloquy and abuse, I have had no end but my duty, no reward in view but my country's good. It is for you to judge how I have done my part, and for the Almighty Ruler to allot to each man his desert.

I close this address with the expression of the confident hope that your session will be harmonious, and will result in the advancement of the best interests of our territory and common country.

ISAAC I. STEVENS.

APPENDIX, "B"

CORRESPONDENCE

Referred to in Report of Minority Committee on Joint Resolution relative to proclamation and enforcement of Martial Law over the counties of Pierce and Thurston. [*Page* 88.]

OFFICE ADJUTANT GENERAL W. T.
OLYMPIA, March 2d, 1856.

Dr. W. F. TOLMIE,
Chief Factor, Puget Sound Agricultural Company:

SIR—By order of the Governor and Commander-in-Chief, I am instructed to send to your Fort, certain settlers, with their families, whose further continuance upon their farms is deemed incompatible with the public safety or interest.

The Governor desires you to cause these people to be detained at your Fort, keeping an account of their expenses and making a report of your observations upon them, and any suggestions relative to them you may think proper.

As soon as possible arrangements will be made relative to these people, but in the meanwhile the Government here depend upon your assistance in keeping them at Nisqually, and seeing that they have no communication with the hostile Indians.

Very respectfully,
Your obedient servant,
(Signed,) JAMES TILTON,
Adj't Gen. W. T. V.

EXECUTIVE OFFICE, OLYMPIA, WASHINGTON TERRITORY,
March 8th, 1856.

DR. WM. F. TOLMIE,

Chief Factor, Puget Sound Agricultural Company:

SIR:—I have determined to have placed under guard for a limited period, all the persons suspected of intercourse with the Indians between this place and the Puyallup.

Your place has been selected as the only one available, and you are requested, till some definite arrangements are made, to supply them with necessaries, &c.

Mr. Isaac W. Smith, the Acting Secretary of the Territory, is charged with the execution of this order, and will confer with you fully in regard to it.

I am, sir, very respectfully,
Your most obedient,
ISAAC I. STEVENS,
Gov. Washington Territory.

OFFICE ADJUTANT GENERAL, W. T. V.,
OLYMPIA, March 8th, 1856.

MR. ISAAC W. SMITH,

SIR:—You are hereby directed to employ 20 men, consisting of the party which left here under command of Mr. J. Roberts, together with such of the Rangers as may not be otherwise employed, together with any other good men you may be able to raise en route.

Proceed to the Yelm, and departing thence after arranging your plan with Captain Ford, march to the settlements occupied by the French and other foreign born settlers, and remove them fo Fort Nisqually.

Exhaust all persuasive means before resorting to force in this removal; but if needful, exert force in effecting the object of the expedition.

Respectfully,
(Signed,) JAMES TILTON,
Adj't Gen'l W. T. V.

By order of the Governor and Commander-in-Chief.

FORT STEILACOOM, March 9th, 1856.

JAMES TILTON,
Adjutant General W. T. Volunteers:

SIR:—Herewith enclosed is an affidavit, concerning which, you can take such action as you may deem fit. I thought it my duty on receiving the information to put it in that form.

The other persons present, besides Cooper, were Timothy Lane, a boy of some 14 years old, American, and —— Minson and Murty Faley, both discharged soldiers, living on the prairie. The testimony of these two is perhaps questionable, as they may not wish to inculpate Benson. The deponent is about 17 years old, and lives at my house.

Very respectfully,
Your most obedient,
(Signed,) GEO. GIBBS.

TERRITORY OF WASHINGTON, } ss.
County of Pierce, }

William Lane, of Pierce county aforesaid, being sworn, saith:

That on or about the 7th day of March instant, he, being at the house of one Thomas Cooper, an Englishman, in the employment of the Puget Sound Company, residing about five miles from the town of Steilacoom, heard one Willie Benson, so called, another Englishman, say to said Cooper, that he did not care a d—n about the Indians; that it was all the fault of the Americans cheating the Indians that the present difficulty occurred; that if the Indians did kill them it served them right; that if an Englishman bought any thing from an Indian, he always paid him for it, but the Americans cheated them; that if an Indian came to him and wanted any thing, he did not care who it was, he should have it. If he had only one meal of victuals in the world, he would have part of it. That the Indians never yet had and never would injure any one who had not injured them; and that he did not care a d—n, so long as he saved his life.

And the deponent further says that last winter, after the troops left Puyallup river, said Willie Benson, together with his brother Adam Benson, remained for three weeks at their house on the Puyallup, and that

within a few days after the departure of the troops, Leschi, the Indian Chief, and about sixty of his men came down and camped at their house, and did not injure or destroy their property; and deponent further says that during the conversation at Cooper's before mentioned, said Willie Benson remarked that the Americans were jealous of him, because he stayed on the Puyallup, and made him come in; and that now because he remained in the prairie, they thought he was in with the Indians and wanted him to come to Steilacoom, but he would see them d—d first. And further saith not.

(Signed,) WILLIAM LANE.

Sworn to and subscribed before me this 9th day of March, 1856.

J. M. BACHELDER,
Justice of the Peace.

FORT NISQUALLY, W. T.,
March 9th, 1856.

To Hon. JAMES TILTON,
Adj't Gen. of Washington Territory, Olympia, W. T.:

SIR:—I had the honor to receive yesterday afternoon your note of the 2d inst., intimating that you had been instructed by the Governor and Commander-in-Chief to send to the Fort, certain settlers with their families, whose further continuance upon their farms is deemed incompatible with the public safety and interest. You also state that the Governor desires me to cause these people to be retained at this Fort, to keep an account of their expenses, to make a report of my observations on them, and any suggestions relative to them, I may deem proper. You conclude by mentioning that the Governor depends upon my assistance in keeping these people at Nisqually, and in preventing their having communication with the hostile Indians.

In reply I have to inform you that I will do my utmost to carry out the Governor's views in this matter. I have already furnished with lodgings the wife and family of Francois Gravelle, who state that they have been ordered in to this place by the volunteers.

Your obedient servant,

(Signed,) W. F. TOLMIE.

OLYMPIA, WASHINGTON TERRITORY,
March 11, 1856.

JAMES TILTON, ESQ.,
Adjutant General W. T. Volunteers:

SIR:—I have the honor to report, that in pursuance of your instructions of March 7th, I proceeded on the 8th instant to Yelm prairie with 12 volunteers from this place.

I met on the route with the greater portion of Mr. Robert's command, who returned with me, increasing the number to 20 men.

Having in the company several men thoroughly acquainted with the adjacent country, we visited all the settlers of whom any information could be obtained, and found them, without exception, of foreign blood, Indians or half-breeds.

The shepherds of the Puget Sound Agricultural Company could not be removed without danger to the large flocks of sheep under their charge. I therefore instructed them, six or seven in number, to wait further orders.

Their families, with all other settlers between Yelm Station and Charles Wren's claim were sent in on the same day to Fort Nisqually.

About six miles from Montgomery's station, is a settlement of English and half-breeds. The names of the men composing it, are Wren, two Smith's, two Murrays, McLoud and Gravell. Their teams being in the volunteer service, it was necessary that they should await their return, in order to remove their large families and household furniture.

Their wagons were expected in during the evening, and I have ordered them to move from their claims immediately.

They will turn over to the Quartermaster and Commissary General such stock, provision and grain as they may not need for private use.

They have declared their intention of starting immediately, and have been informed that after a reasonable time, if found on their claims they will be treated as enemies.

In pursuance of subsequent verbal orders, from you, they had been directed to move to Steilacoom instead of Fort Nesqually.

I anticipate no further trouble in the execution of your instructions, but will see that they are carried out immediately.

With regard to the shepherds, I would respectfully suggest that the necessary orders be issued to Dr. Tolmie.

I am, sir, very respectfully,
Your obedient servant,

(Signed,) ISAAC W. SMITH.

EXECUTIVE OFFICE, TERRITORY WASHINGTON,
OLYMPIA, March 18th, 1856.

CAPT. H. J. G. MAXON,

Washington Mounted Rifles:

SIR:—Isaac W. Smith, Esq., the acting Secretary of the Territory, will be at Nathan Eaton's early to-morrow morning on confidential duty, thence to Montgomery's, in connection with the settlers who are suspected of giving aid and comfort to the enemy.

You are requested to meet him with a detachment of say 15 men of your company to assist him in the execution of the duty. It is desirable that if not already at Eaton's, which I learn from Gen. Miller is probable, you should be there this evening.

You will probably be occupied a few days in the duty—possibly three days.

Truly yours,

(Signed,) ISAAC I. STEVENS,
Governor Washington Territoy.

CAMP MCLOUD, March 30th, 1856.

ADJUTANT GENERAL J. TILTON, Olympia:

SIR:—On my way to this place, I found the prisoners I send to you, at their houses. They all acknowledged that they were violating the orders of the Governor. I consider it my duty to send them to the Governor and state that I consider them guilty of treason, and can prove Wren guilty of giving aid and comfort by Orterland who belongs to my company.

McLoud alleges he has been robbed, but has evidently cached his property, as my men have found the very things that he says he has lost. I think that it is useless to try to get the Indians while these men are allowed to remain here.

The Indians have been and are near here, though not more than three have been seen at once.

Respectfully yours,

(Signed,) H. J. G. MAXON,
Com'g Washington Mounted Rangers.

CAMP MCLOUD, March 31st, 1856.

JAMES TILTON, ESQ.,

Adjutant General W. T. Volunteers :

SIR:—I send you two more prisoners. I know nothing against them except they were here in violation of the Governor's orders. That is enough for me. Wilson was found in illegal possession of Mr. Tebo's horse.

The Indian spy now says that he knows of 17 warriors that came on the Nisqually, and sent him to Sandy Smith and Wren to get ammunition to kill beef. He stated that they (Smith, Wren and Murray,) were their friends. The spy says he gave himself up instead of getting ammunition. I would advise that the citizens on Yelm and Tenalquot be notified that the Indians are here. We will keep searching in this vicinity.

The scouts found yesterday where the Indians had killed beef not more than three days ago.

Since I have been writing, Mr. Taylor told me that he heard Murray and Wilson say that they had given the Indians provisions, but not powder.

(Signed,) H. J. G. MAXON,
Com'g Washington Mounted Rangers.

EXECUTIVE OFFICE, TERITORY WASHINGTON,
OLYMPIA, March 31st, 1856.

LIEUT. BENNINGTON,

Washington Mounted Rifles :

SIR:—You will take the five prisoners now in your possession to the station at Steilacoom, and deliver them to the commanding officer at that post.

Herewith you will receive a letter addressed to Lieut. Col. Casey, requesting him to receive the prisoners, keep them in close confinement till a suitable place for prisoners can be provided in Olympia.

On the execution of this duty, you will report to Capt. Maxon for duty. Should he have gone too high up the Nisqually for you to overtake him, you will proceed to the Yelm, and there await his return.

I am, sir, very respectfully,
Your obedient servant,
ISAAC I. STEVENS,
Governor Washington Territory.

EXECUTIVE OFFICE, WASHINGTON TERRITORY,
Olympia, March 31st, 1856.

Lieut. COL. CASEY,
Com. Puget Sound Dist., Fort Steilacoom, W. T.:

SIR:—I have to request that you will keep in close confinement at Steilacoom, the following prisoners, five in number: Charles Wren, Sandy Smith, John McLoud, Henry Smith and John McField. These have not only returned to their claims in violation of my orders, but their conduct since has been such, that Capt. Maxon, who seized them, has brought charges against them of treason.

I shall have them tried for giving aid and comfort to the enemy, as soon as I can collect the evidence and order a commission.

The conduct of McLoud and Wren has especially been bad. The evidence against Wren is stated by Capt. Maxon to be positive.

Even should the evidence be insufficient to convict one or more of them, the peace of the country requires that those not convicted be kept in close confinement till the end of the war.

We have no jails in the Territory, otherwise I would not put you to the trouble.

I will endeavor at the earliest practicable period to provide a secure place for the prisoners in Olympia.

These prisoners are now in charge of Lieut. Bennington, of Captain Maxon's company, who will deliver the prisoners to you.

Very respectfully, your obedient servant,

(Signed,) ISAAC I. STEVENS,
Gov. Washington Territory.

HEAD QUARTERS, PUGET SOUND DISTICT,
Fort Steilacoom, W. T., March 31st, 1856.

GOV. ISAAC I. STEVENS, Olympia:

GOVERNOR:—Yours of to-day's date has just been handed me by Lieutenant Bennington, of the volunteers, having in charge five men charged with treason against the United States, with a request that I would confine them in my guard-house.

In view of the reasons assigned by you for not confining them in some jail of the Territory, I consider it my duty to comply with your request.

I trust that the charges against them will be investigated as soon as possible, in order that justice may be done in the premises. It will be impracticable for me to retain them long in custody.

Very respectfully,

Your obedient servant,

(Signed,) SILAS CASEY,

Lieut. Col. 9th Inf., Com. Puget Sound District.

STEILACOOM, WASHINGTON TERRITORY,
April 2d, 1856.

GOVERNOR STEVENS:

DEAR SIR:—To-day, I learn that W. H. Wallace and Frank Clark left Steilacoom last night about ten o'clock, to see Judge Chenoweth, in order to procure a writ of *habeas corpus* to release those men now in the guard house at Fort Steilacoom. I understand that they will be back to-morrow. I also overheard a remark that if some of them got out it would be the last that would be seen of them in this Territory; as much as to say, that they knew them to be guilty, and wished them at liberty.

You can rest assured that there is something mysterious in this matter, which, perhaps, you may be the better judge after the information you can obtain from Mr. Gove, Q. M., who will be the bearer of this message.

If possible, I hope you may be able to intercept their movements, &c.

In haste, yours very respectfully,

JOHN M. CHAPMAN.

(COPY.)

OLYMPIA, WASHINGTON TERRITORY,
April 2d, 1856.

GOV. ISAAC I. STEVENS,
Commander-in-Chief:

SIR:—I have the honor to submit the following report of a scout made by me with a party of friendly Indians on the Nisqually river, and to operate against the Indians supposed to be in the Nisqually bottom.

The object of the scout was to ascertain the truth of reports which the Indians of the Sawamish and Fox Island reservations had brought to me, and statements that certain white men had made, going to show that several settlers on the Nisqually plains and the Yelm prairie were in league with the hostile Indians, furnishing them food and ammunition, and information as to the movements of the troops.

I left Olympia on the 7th March, with my party of 14 Indians of the Squax-sin and Nisqually tribes, including "Chehalis John."

On reaching the vicinity of Gravelle's and Latour's—formerly Hudson's Bay Company employees, my Indians were very careful in concealing themselves, saying it was necessary in order to cath the hostiles who they were sure visited the house of these men to get provisions and ammunition, and that if these men saw us they would warn the hostiles of the danger of coming there. Fresh Indian trails were found leading to and from Gravelle's and Latour's, and recent encampments of small parties, and my Indians used the greatest caution in hiding for fear that the enemy would be informed of their presence.

That day we visited Gravelle's. We met him on horseback. He seemed to be frightened, and endeavored to escape. This man did not live here, having been ordered in to Steilacoom sometime previous; he had, however, a pass. In the conversation which we had with him, my Indians charged him with being leagued with the hostile Indians, and that he had now in his possession five horses belonging to Leschi, and some 20 or 25 other horses belonging to the hostiles which he claimed as his own, to keep them for the Indians and prevent their falling into the hands of the whites. This he denied, but my men well knew the horses and their owners and stated to whom they belonged. They also told Gravelle that it was well known to them that he and all the foreign settlers—"King George men"—in that section, had a thorough understanding with the hostiles that they should not be molested on their farms provided they would remain friendly and furnish the Indians provisions and ammunition, and that those settlers knew all the plans of the hostiles, and where they then were.

Chehalis John said to Gravelle: "Long before the war broke out all you 'King George men' told us that the Americans were imposing upon us—were cheating us out of our lands, and would drive us all out of the country, and you urged us to go to war and kill them all. I myself was at one time sick at heart towards the Americans because of what you said. But now I am no longer a 'King George man'—I am an American. You did raise a part of our people against the whites, and now they run and hide like wolves. Go tell them to come in, give up and stop fighting. We friendly Indians have gone to the reservation—a small island—and we suffer for food. The Americans have fed us, but now they have only enough left for themselves. We are nearly naked and will soon starve, unless the war is stopped so that we can fish and hunt over the country as we formerly did."

John charged Gravelle and his associates with exciting the Indians in every possible way to make war upon the whites, giving them ammunition and provisions and promising to help them.

John also stated that the "King George men" who came from Colville last fall with a pack train, and the gentleman in charge of the train, gave ammunition to the hostiles—the Klickatats and others, to fight the Americans, and told them they should not want for ammunition while the "King George men" had any, and that no American miner should come to Colville whilst there was a load of powder and ball there to give the Indians to keep them away. This Gravelle admitted to be true, the Colville men having stated it to him.

That evening we moved to Latour's and staid all night. No one was there, but the door of the house was open, and inside upon a scaffold were some 100 pounds of dried salmon.

The next day moving from Latour's, we struck a fresh Indian trail leading both ways—leading down the muck; following this it brought us directly to the house of Dick, a H. B. Co's. servant employed as a herdsman. He stated that nine hostile Indians passed his house night before last, and five more last night, without troubling him. They came from the direction of the Tenalquot. This man with his wife, (an English woman,) and child lives here without fear of the hostiles. I perceived no arms in the house.

I then made a scout around back of Steilacoom and fell in with a Kanaka, a herdsman of the H. B. Co. One of my Indians went to him, when the Kanaka asked him what he was doing out there? The Indian replied that he came out with a party to hunt the hostiles who had been murdering the Americans. The Kanaka told him he ought to be ashamed to come out and fight his own people; that he had better go home and let the Americans fight it out themselves, &c. He said that the "King

George men" in that section had a fair understanding with the hostile Indians—their lives and property were safe on their claims, and that Smith, Wren and McLoud, who had been ordered in to Steilacoom by the Governor, had gone back to their claims. The Kanaka also said that the Indians who killed Northcraft and White, eleven in number, passed his station after they had committed the murders and were going to Sandy Smith's. That before reaching his house they met Smith, shook hands with him, told him who they had murdered, and boasted of the fine horses they were riding, which had belonged to White. They did not offer to harm this man Smith, but passed on to visit his house. These same Indians met on the road a discharged H. B. Co's. servant, and one of them mistaking his character, crawled through the bushes until close to him and raised his gun to fire, but discovering his error, dropped the gun, exclaiming to the man: "I came near shooting you for an American."

My Indian returned and reported this news to his companions. It very much excited and exasperated them, particularly the meeting between Smith and the murderers of White and Northcraft. They argued that men who could be on such terms of friendship with the hostiles as to live in safety in a country where American settlers were butchered by them at every opportunity, were no better than the hostiles themselves. They assured me that they were certain that Smith and his associates gave food and ammunition to the hostiles—harbored them at their houses, and informed them of the movements of the troops, and they insisted upon paying Smith and others a visit, expressing much anger against them—saying they had caused the war.

Three nights after leaving Dicks, I returned to his house. We found it vacated—Dick having moved his family and household goods. There was however, in the house, some twenty salt salmon nicely laid away on a shelf.

I did not think it best to move out to Smith's, chiefly from the want of provisions, and accordingly started for Fort Stevens. That night we camped at Latour's house, and found that since we visited it, half a barrel of potatoes had been placed in addition to the salmon, which was still in its place.

From Fort Stevens, in obedience to instructions, I returned to this place, bringing in eight captured horses, which were turned over to the Quartermaster's Department W. T. Volunteers. Some of these horses were taken from Gravelle's, who admitted they were Leschi's, and some which were running in the plains claimed by Gravelle, but known to belong to the hostiles.

I cannot close this report without stating the conclusions I have arrived at regarding an understanding between the foreign settlers on the

Nisqually and Yelm, and the hostile Indians, and some of my reasons for such conclusions.

I am firmly of the belief that the men alluded to, Smith, McLoud, Wren, Gravelle and that class, did by every means within their power incite the Indians to make war upon the Americans, and that during the war they have harbored the hostiles in their houses—been familiar with all their plans—furnished them food and ammunition, and given them information of the movements of our troops. Previous to my scout, in fact ever since the beginning of winter, friendly Indians on the reservations at the head of the Sound had assured me time and again that those settlers were in league with the hostiles. The same story was told me by numbers of Indians at different times and agreed so well in all its particulars, there was no doubt in my mind of its truth.

Again, in my scout lately made, I ascertained that fresh Indian trails led to and from Gravelle's, and his associates; that quantities of provisions were placed by some one in their unoccupied houses, evidently for the Indians; that the hostiles passed, repassed and visited them in friendship; that these men knew their plans and had a fair understanding with them, which was admitted; that Gravelle was concealing the horses of the hostiles by claiming them as his own, and that from their own admissions, they had incited the Indians to war, and had since furnished them ammunition and supplies.

These facts, together with many other circumstances which came to my knowledge, are sufficient to convince me that these men are in combination with the enemy. But if anything more was wanting to establish their guilt, the strongest proof is found in the fact that they can remain upon their claims on the war ground without fear and in perfect safety, while neighboring American settlers are butchered without mercy. They can safely meet upon the road, shake hands with, and receive at their houses the murderers of Northcraft and White with the blood of their victims still fresh upon them, and listen with approbation to the relation of the manner in which the deed was done.

I am, sir, very respectfully,

Your most obedient,

(Signed,) W. B. GOSNELL.

OFFICE ADJUTANT GENERAL W. T.,
OLYMPIA, April 2d, 1856.

To the Commanding Officer at Fort Steilacoom, W. T.:

SIR:—Herewith enclosed, you will find a copy of proclamation of the Governor of Washington Territory, declaring martial law to exist in the county of Pierce, W. T.

This is designed to prevent the taking by civil process, *habeas corpus* or otherwise, the prisoners Smith, Wren, and the rest, lately sent to Fort Steilacoom for custody.

Should, however, no such civil process be served upon you, you are requested to suppress or not put in force the proclamation.

Respectfully,
Your obedient servant,

(Signed,) JAMES TILTON,
Adj't Gen'l W. T. V.

EXECUTIVE OFFICE, OLYMPIA, WASHINGTON TERRITORY,
April 3d 1856.

To the commanding Officer, Post at Steilacoom, W. T.:

SIR:—I have concluded at once to publish the proclamation enclosed to you in my letter of this date, and thus anticipate any action which may be had to defraud public justice of its dues.

I am, sir, very respectfully,
Your obedient servant,
ISAAC I. STEVENS,
Gov. Washington Territory.

PROCLAMATION.

WHEREAS, in the prosecution of the existing Indian war, circumstances have existed affording such grave cause of suspicion, that certain evil disposed persons of Pierce county have given aid and comfort to the enemy, as that they have been placed under arrest and ordered to be tried by a military commission; and whereas, efforts are now being made to withdraw by civil process these persons from the perview of the said commission; therefore, as the war is now being actively prosecuted throughout nearly the whole of the county, and great injury to the public service will result, and the plans of the campaign be frustrated if the alleged designs of these persons be not averted,

I, Isaac I. Stevens, Governor of the Territory of Washington, do hereby proclaim martial law over the said county of Pierce, and do by these presents suspend for the time being, and till further notice, the functions of said civil officers in said county.

Given under my hand at Olympia, this 3d day of April, eighteen hundred and fifty-six, and the year of independence of the United States, the eightieth.

ISAAC I. STEVENS.

HEAD QUARTERS, PUGET SOUND DISTRICT,
Fort Steilacoom, April 3d, 1856.

To His Excellency, ISAAC I. STEVENS,
Olympia, Washington Territory:

GOVERNOR:—Your communication of to-day's date, as also that of Col. Tilton, the chief of your staff, enclosing the copy of a proclamation issued by you, declaring Pierce county under martial law, have just been received. You state that the proclamation is designed to prevent the five prisoners in my possession from being taken "by civil process, *habeas corpus*, or otherwise." When I consented to receive the prisoners a few days since from your guard for safe keeping, it was my intention to keep them such reasonable time as the charges against them could be legally investigated. I doubt whether your proclamation can relieve me from the

obligation to obey the requisitions of the civil authority. I request, therefore, that you will relieve me from their charge.

I am, sir, very respectfully,

Your obedient servant,

(Signed,) SILAS CASEY,

Lieut. Col. 9th Inf. Com. P. S. District.

Camp McLoud, April 13th, 1856.

Came to McLoud's with a detachment to guard some wagons hauling grain. McLoud not at home—some fire in the house and appearance of cooking—saw moccasin tracks at potatoe hole—went down to Murray's—saw McLoud there—asked where he stayed—he said he slept at home at the barn.

I returned next day and camped at McLouds; he told me the Indians had robbed his house of everything. I took his oats to feed the horses. The second day he forbid my feeding any more oats.

While camped at McLouds he was in the habit of going out in the timber by himself, and after he was arrested, the Indians began to yell and fire guns, and the dogs would bark in the direction that he went, and not very far from camp. His appearance was surly and out of humor.

(Signed,) L. B. CURTIS,

Lieut. Washington Mounted Rifles.

Executive Office, Territory Washington,
Olympia, April 29th, 1856.

Lieut. Col. B. F. Shaw,

Commanding Right Wing, 2d Reg't W. T. Volunteers:

Sir:—I have to advise you that some time since martial law was proclaimed in Pierce county and all civil process suspended.

You will see that martial law is enforced.

I am desirous at the earliest practicable period to allow the ordinary functions of the civil authorities to be resumed, and when that time has arrived, you will advise me, that my proclamation to that effect may be issued.

I am, sir, very respectfully,
Your obedient servant,
ISAAC I. STEVENS,
Governor Washington Territory.

EXECUTIVE OFFICE, WASHINGTON TERRITORY,
Olympia, May 4th, 1856.

Lieut. Col. E. LANDER,
W. T. Volunteers, Steilacoom, W. T.:

SIR:—I learn that you are expected to be at Steilacoom to-day, and I have therefore to advise you that martial law has been proclaimed in Pierce county.

Col. B. F. Shaw, in command of the regiment, stationed mostly in Pierce county, has orders from me to enforce martial law, and I have to direct that you use every exertion in co-operation with Col. Shaw to carry into execution these orders.

Very respectfully, your obedient servant,
(Signed,) ISAAC I. STEVENS,
Gov. Washington Territory.

EXECUTIVE OFFICE, OLYMPIA,
May 4th, 1856.

Lieut. Col. B. F. SHAW,
Commanding Right Wing 2d Reg't W. T. V.:

SIR:—I am informed that Lieut. Col. Lander will probably be in Steilacoom to-day, but certainly to-morrow.

On his arrival at Steilacoom you will hand to him the accompanying letter, a copy of which I enclose you.

This letter contains an order directing him to co-operate with you in enforcing martial law.

Note the time of the delivery of the letter, and have witnesses of its being received by him.

Compare the letter to Col. Lander, which is left unsealed for your inspection, with the enclosed copy.

Let one of your staff be cognizant of this whole matter.

Truly yours,

(Signed,) ISAAC I. STEVENS,
Governor Washington Territoy.

EXECUTIVE OFFICE, WASHINGTON TERRITORY,
OLYMPIA, May 4th, 4 P. M., 1856.

Lieut. Col. B. F. SHAW,
Commanding Right Wing W. T. Volunteers:

SIR:—Your express is just in. *Enforce martial law.*

Very respectfully, your obedient servant,

(Signed,) ISAAC I. STEVENS,
Gov. Washington Territory.

SEATTLE, May 4th, 1856.

GOV. I. I. STEVENS,

SIR:—Some time since while Secretary Mason was acting Governor, I received a commission of Lieut. Colonel, or aid to him. At that time

it was personal to him and did not as I apprehend, extend beyond the time when he ceased to act as Governor.

Lest however, a different view might obtain in the mind of others, I hereby resign any and all commissions which I may be considered to hold in the volunteer forces of this Territory.

I am, sir, with respect,

EDWARD LANDER.

STEILACOOM, W. T.,
May 5th, 1856.

To His Excellency, ISAAC I. STEVENS,
Olympia, Washington Territory:

SIR:—I received by the hands of Capt. De Lacy, your communication of the 4th inst., enclosing an original letter to Lieut. Col. Lander, and one copy to be "compared"—"and let one of your staff be cognizant of the whole matter;" also a letter announcing the resignation of Capt. Achillis, and ordering an election in company D for Captain.

Lieut. Col. Lander landed here about noon, and was at once accosted by myself and Capt. Delacy. I handed him the original copy above mentioned, telling him that I was requested to do so.

He told me at once that he was only the substitute of Judge Chenoweth—that he supposed that his military rank had been ended, and that he had never received his commission as Captain, nor had ever been sworn in.

As he went to the court house, I presented the letter to which he made the above objections, and requested him to see that martial law was enforced.

Capt. De Lacy having stated that, from a conversation with you, you would not object to his holding court for a short time without actually trying anything, I proposed it to him. His answer was, that he could not hold court and adjourn any time in this week. That he was bound to adjourn some time this week or adjourn "*sine die*," and no court could be held outside of next week.

Under these circumstances, I permitted him to go to the court house, when the sheriff made the usual proclamation: "Oh yes, oh yes, oh yes," and immediately afterwards "court adjourned until 9 o'clock, Wednesday morning."

I send Captain De Lacy with this letter, who will communicate to you many particulars which I have omitted.

I am, sir, very respectfully,
Your most obedient,

B. F. SHAW,
Lieut. Col. Com'g. Right Wing 2d Reg't W. T. V.

STEILACOOM, May 5th, 1856.

GOV. ISAAC I. STEVENS, Olympia:

SIR:—Lieut. Col. Shaw on my arrival here informed me that martial law was proclaimed in Pierce county, and that he would be compelled to prevent the holding the term of the district court, under your instructions. Mr. De Lacy also told me that it was your wish not to interfere if possible, with the trial of causes at this term, and proposed from you that the court should be adjourned for one month or until such time as would be more suitable than the present to hold the term.

There is no law authorizing any adjournment of this term; it must be held this week or not at all. There are some important causes to be heard, and one such in favor of the United States against the former collector of Puget Sound, which ought to be tried.

I therefore adjourned until Wednesday morning at 9 o'clock, at which time Mr. De Lacy tells me that he thinks he can return, and that there will be time to get through the greater part of the business.

There was imminent danger of collision between the civil and military authorities. Nothing could be more disastrous than this. A strict sense of duty alone has induced me to hold the term of the court, hence I have wished to do so without risking the lives of any one. I would suggest to you that instead of continuing for a month or two more, martial law, that you abrogate it at once, and thus prevent further feeling upon the point, especially as the present condition of the country seems not to require it

as strongly as before, and it can make ho difference in regard to what has already been done.

Yours respectfully,

EDWARD LANDER.

EXECUTIVE OFFICE, TERRITORY WASHINGTON,
OLYMPIA, May 6th, 1856.

Lieut. Col. E. LANDER,
Steilacoom, Washington Territory:

SIR:—Your two communications of the 4th and 5th instant, have been received.

I beg leave respectfully to express the opinion that the commission of Lieut. Col. by apppointment of acting Governor Mason was not vacated by my arrival. There is no such thing as a commission personal to the individual for the time being, performing the executive functions. You could only cease to be invested with the function attached to your commission by resignation or removal.

Under the particular circumstances of the case, I shall for the present decline to accept the resignation of your commissions.

In regard to adjourning court, I have examined the law, and find no difficulty in your adjourning to any given time within the interval between this and the next term of the court. The law states that the District court for the county of Pierce shall be held "on the first Monday in May and November." If the strict literal view of the wording of the statute is taken, the court can only sit one day; that is on the said first Monday. The power to adjourn over to Tuesday or Wednesday, involves the power to adjourn over to any other time, say the first Monday of June. It rests wholly in the discretion of the Judge.

I will therefore suggest that you adjourn the court till the first Monday of June, before which time I am quite sure the necessity for martial law will have passed away.

I am, sir, very respectfully,
Your obedient servant,
ISAAC I. STEVENS,
Gov. Washington Territory.

EXECUTIVE OFFICE, TERRITORY WASHINGTON,
OLYMPIA, May 6th, 1856.

Lieut. Col. B. F. SHAW,

Com'g Right Wing 2d Reg't Steilacoom:

SIR:—I have written Lieut. Col. Lander, declining to accept the resignations of his commissions, and suggesting that the court be adjourned till the first Monday of June.

I shall rely upon your judgment and discretion in the management of this matter. *But martial law must be enforced.*

An order will be issued to-day concerning a military commission for the trials of Smith and other prisoners.

Very respectfully,

Your obedient servant,

(Signed,) ISAAC I. STEVENS,
Governor and Commander-in-Chief.

HEAD QUARTERS, W. T. VOLUNTEERS,
Olympia, W. T., May 10, 1856.

GOV. ISAAC I. STEVENS,

Commander-in-Chief Volunteer Forces:

SIR:—I see by a printed circular issued at Steilacoom on the 7th instant, that the following statement is given as having been made by me:

"About three days previous to opening court, Col. Shaw, commanding the volunteer forces, who had received written instructions from Gov. Stevens to enforce martial law until further orders, being directed at the same time to inform him immediately, if, in his opinion it would be no longer necessary, had written by express to the Governor, stating that no occasion existed in the county for its continuance, informing him that important business would be before the court, and recommended that in consequence the proclamation be abrogated."

The reason that led the committee to make the statement, is, that

several days previous to the sitting of the court above referred to, Geo. Gibbs, one of the members of the bar, came to me and desired me to write to you stating that there was important business to come before the court. Upon his statement, I did preface a note to you, stating that martial law could be dispensed with.

But upon inquiry, I was convinced that there was a strong desire to arrest the prisoners which you had summoned before a military commission for trial, and being satisfied that if martial law was not enforced and the prisoners tried before a military commission, that great injury would result to the public service, and the confidence of my troops be destroyed, in consequence of men being at large, whom the men believe to be the worst enemies to American citizens and the progress of the war.

I therefore concluded, that to serve the public good, martial law should be enforced, even if it should be to the inconvenience of a few citizens who had business before the court, and did not send the note first written, recommending that martial law be revoked, but recommend that it be enforced.

Respectfully,

Your obedient servant,

B. F. SHAW,

Lieut. Col. Com'g Right Wing, 2d Reg't W. T. V.

PROCLAMATION.

WHEREAS, in the prosecution of the existing Indian war, it become necessary for the reasons set forth in the proclamation of the Governor of the Territory of Washington of the 3d April, to proclaim martial law in and throughout Pierce county, in said Territory; and whereas, the same efforts are now being made in the county of Thurston, by the issue of the writ of *habeas corpus*, to take from the purview of the military commission which is ordered to convene on the 20th instant, certain persons charged with giving aid and comfort to the enemy; and whereas, an overruling public necessity leaves no alternative than to persist in that trial in order that the military operations be not rendered abortive, and the lives of the citizens needlessly sacrificed:

Therefore, I, Isaac I. Stevens, Governor of the Territory of Washington, do by these presents proclaim martial law in and throughout the county of Thurston, and do call upon all good citizens to see that martial law is enforced.

Given under my hand at Olympia, this 13th day of May, in the year of our Lord one thousand eight hundred and fifty-six, and the year of Independence the eightieth.

ISAAC I. STEVENS.

EXECUTIVE OFFICE, WASHINGTON TERRITORY,
OLYMPIA, May 13th, 1856.

Capt. B. MILLER,

Company J, 2d Regiment W. T. Volunteers:

SIR:—You will move your whole company to the Falls early to-morrow, and send ten men in charge of an officer to Olympia, with directions to report to me for orders.

The detachment should reach Olympia by seven o'clock, and the remainder of the company will hold themselves in readiness to move at a moment's notice.

I am, sir, very respectfully,

Your obedient servant,

ISAAC I. STEVENS,

Gov. and Commander-in-Chief.

EXECUTIVE OFFICE, TERRITORY WASHINGTON,
Olympia, May 14th, 1856.

Capt. B. MILLER,

Commanding Co. J, 2d Reg't W. T. Volunteers:

SIR:—You will move your company to Olympia to-morrow morning and report to me for further instructions. Be here at 7 o'clock A. M.

I am, very respectfully, your obedient servant,

(Signed,) ISAAC I. STEVENS,

Governor and Commander-in-Chief.

EXECUTIVE OFFICE, OLYMPIA, W. T.,
May 14th, 1856.

Capt. B. MILLER,
Commanding Co. J, 2d Reg't W. T. Volunteers:

SIR :—You will arrest John McLoud and Charles Wren and send them to Fort Montgomery, there to await their trial on the 20th instant for giving aid and comfort to the enemy.

Yours respectfully,

(Signed,) ISAAC I. STEVENS,
Governor and Commander-in-Chief W. T. V.

OFFICE ADJUTANT GENERAL, W. T., V.,
OLYMPIA, April 2d, 1856.

MR. HENRY SMITH :

SIR :—You are hereby authorized to remain at Olympia, Fort Nisqually, or the town of Steilacoom, or pass from one of these places to the other, by the usual route, but are restricted from going beyond these limits without written permission from the Commander-in-Chief.

Respectfully,

(Signed,) JAMES TILTON,
Adj't Gen. W. T. V.

EXECUTIVE OFFICE, TERRITORY WASHINGTON,
OLYMPIA, W. T., May 15, 1856.

Capt. B. MILLER,
Commanding Co. J, 2d Reg't W. T. Volunteers:

SIR :—The Hon. Edward Lander, presiding Judge of the second Judicial district having in defiance of my proclamation of martial law of the 13th inst., proceeded to continue in the exercise of functions superceded

by said proclamation, even to the extent of issuing a writ of attachment commanding the Marshal to bring my body before him, and thus restricting me of my personal liberty whilst in the exercise of my functions in time of war, you will immediately arrest the said Chief Justice Lander—release him on his parole, in writing, that he will not, on the honor of a gentleman, proceed to exercise said suspended functions till martial law is revoked, or in the event of his refusing to give said parole, you will take him to Camp Montgomery, and there deliver him over to Lieut. Colonel Shaw, the military commandant, to be held till further orders. In the performance of this duty, you are enjoined to exercise all your judgment and discretion, and in the event of resistance, you will call upon the people to assist you in the enforcement of this order, and you will see that every possible respect is paid to the Hon. Edward Lander, and every liberty allowed consistent with the attainment of the ends of this order.

I am, sir, very respectfully,

Your obedient servant,

ISAAC I. STEVENS,

Gov. and Commander-in-Chief.

EXECUTIVE OFFICE, TERRITORY WASHINGTON,
Olympia, May 21st, 1856.

Lieut. Col. B. F. SHAW,

Com'g Right Wing 2d Reg't W. T. V., Camp Montgomery:

SIR:—Reports are in circulation that Judge Chenoweth will attempt to hold court at Steilacoom on Friday and Saturday, in defiance of martial law, and it is supposed will endeavor to break up the commission now being held at Montgomery.

These reports are confirmed by a letter which was received to day from Capt. Warren Gove. Capt. Webster states that the court was to be called to try an admiralty case, and on the supposition on the part of Judge Chenoweth, that martial law would be abrogated in season.

Other reports are that he has written Col. Wallace, taking ground that I had no right to proclaim martial law, in which event it necessarily follows that on opening his court he will issue writs of *habeas corpus* to get possession of the prisoners at Montgomery's.

Martial law must be enforced at all hazards in Pierce county, till abrogated by proclamation.

You will, therefore take the necessary steps to enforce martial law, and will apply force as soon as Judge Chenoweth commits an overt act.

Very respectfully,

Your obedient servant,

(Signed,) ISAAC I. STEVENS,

Governor and Commander-in-Chief.

HEAD QUARTERS, CAMP MONTGOMERY,
May 21st, 1856.

GOV. ISAAC I. STEVENS,

Commander-in-Chief Volunteer Forces:

SIR:—Enclosed I send you the opinion of Judge Monroe upon the subject referred to in your letter of the 21st inst.

I am, sir, very respectfully,

Your most obedient,

B. F. SHAW,

Lieut. Col. Com'g. Right Wing 2d Reg't W. T. V.

CAMP MONTGOMERY, PIERCE COUNTY,
May 22d, 1856.

Lieut. Col. B. F. SHAW,

Com'g Right Wing 2d Reg't W, T. V.:

SIR:—It is intimated that a writ of *habeas corpus* will be issued, or has been issued by the Judge of this District, to take the prisoners now in

custody and about to be tried by a general court martial or military commission, now sitting at Camp Montgomery, Pierce county, W. T., from the custody of the officers under whose charge they are now placed, by order of the commanding officer of the volunteer forces of Washington Territory, and my opinion is asked whether this act will be a violation of said order, and whether the Judge can legally hold a court in this county.

My opinion is, that any effort of the Judge to take the prisoners above alluded to from the custody of the authorities in whose charge they now are, is a violation of the order and the law, and that he has no power to hold a court, or to exercise any civil functions in said county during the prevalence of martial law in said county.

Yours respectfully,

V. MONROE.

EXECUTIVE OFFICE, WASHINGTON TERRITORY,
OLYMPIA, May 22d, 1856.

Lieut. Col. B. F. SHAW,

Com'g Right Wing 2d Reg't W. T. V., Camp Montgomery:

SIR:—I have received your letter of this date enclosing the opinion of Judge Monroe, in relation to the question as to the overt act which constituted a violation of the martial law proclaimed in Pierce county.

You will take the necessary measures to prevent a court being held in Pierce county, and will arrest the Judge on his attempting it.

The prisoners must at all hazards be tried by the commission now setting at Montgomery's.

Very respectfully, your obedient servant,

(Signed,) ISAAC I. STEVENS,

Governor and Commander-in-Chief.

EXECUTIVE OFFICE, WASHINGTON TERRITORY,
Olympia, May 24th, 1856.

Lieut. Col. B. F. SHAW,
Commanding Right Wing W. T. Volunteers:

SIR:—Martial law is now abrogated, and the proclamation will issue in the morning. You will release Chief Justice Lander from custody.

Very respectfully,
Your obedient servant,
ISAAC I. STEVENS,

PROCLAMATION.

WHEREAS, certain persons charged with giving aid and comfort to the enemy, in the existing Indian war, were arrested by my orders for the purpose of bringing them to trial before a military commission; and whereas, to prevent the execution of the design of certain evil disposed persons to take from the custody of the military the persons so charged, martial law was declared successively in the counties of Pierce and Thurston; and whereas, the persons so charged have been retained in military custody, and have been brought before a military commission, and are now on their trial for the offence above mentioned; and whereas, there is no longer any necessity for the existence of martial law in said counties:

Therefore, be it known, that I, Isaac I. Stevens, Governor of the Territory of Washington, do hereby abrogate martial law in said counties of Pierce and Thurston.

Given under my hand at Olympia, this 24th day of May, in the year of our Lord one thousand eight hundred and fifty-six, and the year of Independence the eightieth.

ISAAC I. STEVENS.
Gov. Washington Territory.

EXECUTIVE OFFICE, TERRITORY WASHINGTON,
Olympia, May 28th, 1856.

Hon. F. A. CHENOWETH,
Judge of the Northern District, &c.:

SIR:—I have just received a letter from Lieut. Col. Shaw informing me that he was held in close custody for contempt of court, and that the marshal was ordered to keep him in close custody till the return required by the court was made.

I understand that the return is one which Lieut. Col. Shaw does not feel in conscience he can make, as he recognized fully my orders under martial law.

The object of my addressing you is to enquire whether it is not within your discretion to dispose of the affair by the imposition of a fine.

The condition of the country is such, that very grave consequences, disastrous to the Territory, will in my opinion result from Col. Shaw's continued imprisonment.

He is at this moment charged with an important expedition into the Indian country, which it is hoped will relieve the people on the Sound from further apprehension, and his presence with the troops is at this moment urgently required in consequence of hostile Indians being known to be in the neighborhood.

I do not propose to discourse the question of martial law. I believe it was my duty and right to proclaim and enforce it as I did; that I would have been recreant to my trust, had I done otherwise. You take a different view of the matter.

I have abrogated martial law, and it of course now becomes my duty, under my oath of office, to see that the laws are faithfully executed—to sustain the courts.

I have requested Quartermaster and Commissary General Miller to deliver this letter to you, and to acquaint you more fully than is practicable in a written communication, with the present condition of affairs in the military service.

I am, sir, very respectfully,
Your most obedient,
ISAAC I. STEVENS.
Gov. and Commander-in-Chief.

STEILACOOM, May 29th, 1856.

His Excellency, Gov. ISAAC I. STEVENS,
Governor Washington Territory:

SIR:—Your communication of yesterday was received this morning, and without losing time I called upon Col. Shaw and asked him what return he felt disposed to make. He told me that he would now send an order to Camp Montgomery, and order the prisoners charged with treason to be brought before me without making any returns to the original writs of *habeas corpus*. This is perhaps the best he can do consistent with his views, no doubt honestly entertained, of obligations to his Commander-in-Chief. As to Judge Lander, he is already discharged, and it is not in his power to return anything in his case.

Although this does not answer for the contempt for which he stands charged, yet I feel bound to take judicial notice of the condition of the country, and in this, as in every instance, I feel it my duty not to obstruct, but to aid your Excellency in the prosecution of the war. I have therefore on your suggestion that his services are now called for, and that disastrous consequences will result to the country by his continuence in prison, discharge him upon his parole of honor to appear at next term of court and answer the contempt. I will take this occasion to say, that when those persons charged with treason come before me, I will examine the subject thoroughly, and if you have any evidence at Olympia, or elsewhere, that we might not readily find on inquiry here, please forward it to me; or should any witness be absent on duty, please have some person state on affidavit the name of the witness and his residence, together with the facts deponent believes said witness will swear to it, and send it to me at Steilacoom.

I am, very respectfully,
Your obedient servant,
F. A. CHENOWETH, *Judge, &c.*

PROCEEDINGS

Of a General Court Martial convened for the Trial of Lyon A. Smith, Charles Wren, and John McLoud.

CAMP MONTGOMERY,
May 20th, 1856.

Proceedings of a general court martial or military commission, con-

vened at Camp Montgomery, Washington Territory, by virtue of an order from Isaac I. Stevens, Governor of the Territory of Washington, and Commander-in-Chief of the volunteer forces thereof:

12 o'clock M., May 20th, 1856.

The court met pursuant to the said order.

PRESENT:

Lieut. Col. J. S. Hurd, *Aid-de-camp to Commander-in-chief.*

Major H. J. G. Maxon, *Southern Battalion, 2d Reg't W. T. V.*

Capt. C. W. Swindal, *2d Reg't W. T. Volunteers.*

Capt. W. W. De Lacy, *2d Regiment W. T. Volunteers.*

Lieut. A. Shepherd, *2d Regiment W. T. Volunteers.*

Victor Monroe, *Judge Advocate.*

Quincy A. Brooks, *Recorder.*

The order convening this court not being present, the court adjourned until to-morrow at 12 o'clock, M.

Camp Montgomery, Washington Territory,
12 o'clock M, May 21st, 1856.

Court met pursuant to adjournment.

The following is the order constituting this court, and which was omitted to be inserted in yesterday's proceedings, viz:

SPECIAL ORDER.

Office Adjutant General, W. T. V.,
Olympia, May 16th, 1856.

A general court martial or military commission will assemble at

Camp Montgomery on the 20th of May, 1856, for the purpose of trying such persons as may be brought before it.

(Signed,) JAMES TILTON,
Adj't Gen'l W. T. V.

By order of the Governor and Commander-in-chief, W. T. V.

MEMBERS OF THE COMMISSION.

Lieut. Col. Hurd, Major Maxon, Capt. Swindal, Capt. De Lacy, and Lieut. Shepherd.

SUPERNUMERARY:

Lieut. S. B. Curtis, *Washington Territory Volunteers.*

Victor Monroe, Esq., *Judge Advocate.*

(Signed,) JAMES TILTON,
Adj't Gen'l W. T. V.

PRESENT:

Lieut. Col. J. S. Hurd, Major H. J. G. Maxon, Capt. C. W. Swindal, Capt. W. W. Le Lacy, Lieut. A. Shepherd, and supernumerary Lt. S. B. Curtis.

Present also, the Judge Advocate and Recorder.

The Recorder, at the request of the Judge Advocate, read the order convening this court.

The Recorder, at the request of the Judge Advecate, read the charges and specifications of charges against Lyon A. Smith, Charles Wren, and John McLoud.

The Judge Advocate then made a written application (A.) appended to these proceedings, asking an adjournment of the court in order to obtain authority to amend the charges. Whereupon the court was cleared for deliberation, and after mature consideration, the court adjourned until to-morrow at one o'clock, P. M.

CAMP MONTGOMERY, WASHINGTON TERRITORY,
1 O'CLOCK P. M., May 22d, 1856.

The Court met pursuant to adjournment.

PRESENT:

Lieut. J. S. Hurd, Major H. J. G. Maxon, Capt. C. W. Swindal, Capt. W. W. De Lacy, Lieut. A. Shepherd, and Supernumerary, Lieut. S. B. Curtis.

Present also, the Judge Advocate and Recorder.

The Judge Advocate presented a 4th specification ordered by the Commander-in-Chief, which was ordered by the court to be filed, and which is annexed to the original specifications.

The Judge Advocate asked leave to amend the phraseology in the second specification, substituting the word "were" for "was" in the 4th line, and in the 8th line, the word "they" for "he."

Whereupon the court was cleared for deliberation, and after mature consideration, the court ordered the proposed amendments to be made.

A copy of the 4th specification having been delivered to Lyon A. Smith, Charles Wren and John McLoud, the orderly Sergeant brought into court Lyon A. Smith.

The Judge Advocate read aloud to the prisoner the order convening this court, and the charges and specifications of charges, (marked B, appended to these proceedings,) and asked him if he had any cause of challenge to any member of the court mentioned in the warrant order, to which the accused answered that he had no objection to any member of the court.

The Judge Advocate administered the oath prescribed by law to all the members of the court, and to the supernumerary; and the President, Lieut. Col. J. S. Hurd, administered the required official oath to the Judge Advocate.

The prisoner asked to be allowed as counsel, Wm. H. Wallace, B. F. Kendall, and Frank Clark, Esq's.

Whereupon the court was cleared for deliberation, and after mature consideration, granted the request of the prisoner, and allowed said gentlemen to act as his counsel.

The prisoner by his counsel, then offered a written protest or plea (6,) to the jurisdiction appended to these proceedings, which was read by the Judge Advocate. The Judge Advocate having asked time to reply to the plea of the prisoner, the court adjourned until to-morrow, at 8 o'clock, A. M.

CAMP MONTGOMERY, WASHINGTON TERRITORY,
8 O'CLOCK A. M., May 23d, 1856.

Court met pursuant to adjournment.

Present—all the members of the court, supernumerary, Judge Advocate and Recorder.

Lyon A. Smith, the accused, also present.

Upon reading the minutes of the proceedings of yesterday, the prisoner made the following written request:

Mr. PRESIDENT:—L. A. Smith requests that the plea to the jurisdiction be copied into and form a part of the record of this trial.

(Signed,) L. A. SMITH."

The court was cleared for deliberation, and after consideration, the court ordered the plea to be entered on the record, and is as follows, viz:

"MR. PRESIDENT:—Lyon A. Smith protests against the competency of this commission or court martial for want of jurisdiction, on these several grounds:—

1st. The allegation and charges set forth in the specifications, constitute the crime of treason, which can alone be tried in the civil courts of the United States.

2d. Citizens cannot be tried either by courts martial or military commissions.

3d. This is not a legally constituted tribunal, inasmuch as the present volunteer forces of this Territory are not organized under the militia law of this Territory, or under any law of the United States, and that this court has been ordered by a person incompetent legally to do so.

4th. That neither militia nor volunteer forces, until mustered into the service of the United States, are amenable to, or authorized to institute any military court, as they have no authority conferred by the constitution and laws of the United States, or by the statutes of this Territory.

5th. That the order for this court martial or military commission, makes it a special commission, and does not designate the persons to be tried by said commission.

(Signed,) LYON A. SMITH,
Per Attorney."

The Judge Advocate then read the following paper marked D, viz:

"Mr. President, and Gentlemen of the Court :—

The allegations and charges set forth in the specifications against L. A. Smith, the accused, are, that he did knowingly harbor, protect and assisit with victuals, ammunition, shelter, sympathy and friendship, certain marauding bands of hostile Indians, waging unlawful war in Washington Territory against the United States, and any person guilty of such an offence is subject to the jurisdiction of a court martial or military commission, whether he be a citizen or alien.

This is a legally constituted tribunal, having been called by Isaac I. Stevens, Governor of the Territory of Washington, and Commander-in-chief of the volunteer forces of the Territory now in the field, called out by his proclamation, and co-operating with the regular forces against the common enemy now waging war in said Territory against the United States, the said Isaac I. Stevens, in his capacity of Governor and Commander-in-chief, being perfectly competent to call out such forces.

The warrant order for this court martial or military commission does not make it a special commission, but on the contrary, it is a general commission to try all persons that may be brought before it, and under the charges and specifications filed against the accused, he has been regularly brought before this court.

It is therefore asked that the protest or plea of L. A. Smith, filed, may be overruled, and that he be required to answer over.

(Signed,) V. MONROE,
Judge Advocate."

Hereupon the court room was cleared for deliberation, and after a short time spent in consideration, the court was opened—the prisoner brought in, and the President announced that the decision of the court would be made known at 1 o'clock this afternoon, to which time the court then adjourned.

CAMP MONTGOMERY, WASHINGTON TERRITORY,
1 o'clock, P. M., May 23d, 1856.

Court met pursuant to adjournment.

Present, all the members, supernumerary, Judge Advocate, Recorder, and L. A. Smith, the accused.

The court was then cleared for deliberation, and after mature consideration, the court gave the following opinion, viz:

"The charge against Lyon A. Smith is "aiding and comforting the enemy." We are of opinion that such an offence constitutes the crime of treason, and that this court has no jurisdiction as a military court to try and punish a prisoner for such an offence.

We are, however, of opinion that this court was ordered by a competent authority, and that it is legally and constitutionally created, and has jurisdiction of such crimes as are cognizable by military tribunals."

The court then adjourned until Monday, May 26th, 1856, at one o'clock P. M.

(Signed,) JARED S. HURD, *President M. C.*
H. J. G. MAXON, *Major S. B.*
C. W. SWINDAL, *Capt. W. T. V.*
W. W. DE LACY, *Capt. W. T. V.*
ANDREW SHEPHERD.

CAMP MONTGOMERY, WASHINGTON TERRITORY,
1 o'clock P. M., May 26th, 1856.

The court met pursuant to adjournment.

PRESENT:

Major H. J. G. Maxon, Capt. C. W. Swindal, Capt. W. W. De La cy, Lieut. A. Shepherd.

Present also, the Judge Advocate and Recorder.

There not being five members of the court present, the court adjourned until to-morrow at 8 o'clock, A. M.

CAMP MONTGOMERY, WASHINGTON TERRITORY,
8 O'CLOCK A. M., May 27th, 1856.

The court met pursuant to adjournment.

Present, Major H. J. G. Maxon, Capt. C. W. Swindal, Capt. W. W. De Lacy, and Lieut. Andrew Shepherd.

Present also, the Judge Advocate and Recorder.

Only four members of the court being present, the court adjourned until to-morrow at 10 o'clock A. M.

CAMP MONTGOMERY, WASHINGTON TERRITORY,
10 O'clock A. M., May 28th, 1856.

The court met pursuant to the said order.

PRESENT:

Major H. J. G. Maxon, Capt. C. W. Swindal, Capt. W. W. De Lacy, Lieut. Andrew Shepherd and Lieut. S. B. Curtis.

Present also, the Judge Advocate and Recorder.

On leave of the court, the Judge Advocate filed amended charges and specifications against John McLoud and Charles Wren, it appearing to the satisfaction of the court that the Judge Advocate had received from the Commander-in-chief authority to amend, and that copies thereof had been delivered to the accused.

The Judge Advocate informed the court that he had no further charges against L. A. Smith, and suggested that he be discharged.

Whereupon the court room was cleared, and upon deliberation, the President, Major H. J. G. Maxon, announced to L. A. Smith that he was discharged from any further proceedings by this court, and was turned over to the civil authorities.

The orderly sergeant brought into Court John McLoud and Charles Wren. The Judge Advocate asked the accused separately, whether he desired to be tried jointly or separately, to which they answered that they

preferred to be tried jointly. To the question propounded by the Judge Advocate, "have either of you any cause of challenge to any member of this court?"—the accused answered that they had no objection to any member of the court.

The Judge Advocate then read aloud to the accused the amended charges and specifications against John McLoud and Charles Wren, (marked E, and appended to these proceedings.)

The accused made a written request asking the court to allow them W. H. Wallace, B. F. Kendall and Frank Clark, to act as their counsel, which request the court granted.

The accused then, by their attorney, B. F. Kendall, Esq., read the following paper marked F, viz:

"Mr. PRESIDENT:—Charles Wren and John McLoud deny that this military commission or court martial, or that any court martial has any power under the rules and articles of war to try citizens of the United States.

2. That the volunteer forces are not legally governed by, or amenable to, the military law of the United States, not being mustered into the service of the United States.

It has been deemed advisable to offer some points of law for the consideration of the commission.

The constitution of the United States has expressly declared that no person shall be held to answer for a heinous crime, unless on the presentation of a grand jury, except those persons belonging to the land and naval forces, &c. Now, all laws of the U. S. must be so construed as not to conflict with the constitution, which is above all laws passed by Congress. The 56th article of war can only be constructed to mean "whomsoever belonging to the army." The word whosoever has been strictly defined in the fifty-fifth article to mean "whosoever belonging to the army." The qualification in the 56th article would have been superfluous, inasmuch as it cannot be construed to mean citizens, without conflicting with and nullifying one article of the constitution.

As the civil laws have provided for the punishment of all persons except such as are provided for by the articles of war, hence no persons can be amenable to military law who is not specially provided for by the articles of war.

Now the article of war 97th, says that militia or other forces being mustered and in pay of the United States, shall at all times and in all places, when joined or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war. Now it having been decided by the articles themselves when militia or volunteer forces shall be amenable to the United States military law, it is plain that

they can be so in no other way than in the manner prescribed by law.—These volunteer forces not being mustered into the service of the United States, cannot try any person legally under any rule or article of war passed for the government of the armies of the United States.

(Signed,) CHARLES WREN,
JOHN McLOUD,

The Judge Advocate suggested that the court allow the counsel of the accused to argue the question presented in the foregoing paper orally before the court. After the room was cleared for deliberation, the President, when the court opened, announced that the counsel would be heard. Whereupon the court was addressed at length verbally by Messrs. Kendall, Wallace, Clark, and the Judge Advocate. At the conclusion of the addresses, the court room was cleared for deliberation, and, after some time spent therein, the President announced that the court was adjourned until half past one o'clock this afternoon.

CAMP MONTGOMERY, WASHINGTON TERRITORY,
1½ o'clock, P. M., May 28th, 1856.

Court met pursuant to adjournment.

Present, Major Maxon, Capt. Swindal, Capt. De Lacy, Lieutenant Shepherd, and Lieut. Curtis.

Present also, the Judge Advocate and Recorder, and John McLoud and Charles Wren, the accused.

The court room was then cleared for deliberation, and after mature consideration, the court gave the following decision, viz:

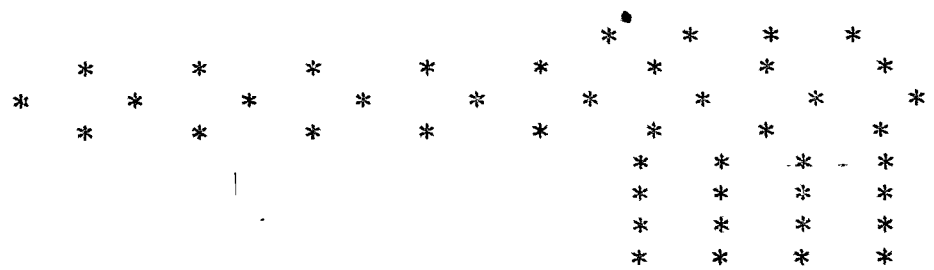
"The court decide that courts martial have a right under the articles 56 and 57 of the articles of war, to take cognizance of offences committed by citizens of the United States, and that this court has jurisdiction of the offences mentioned in the amended charges and specifications, as filed against John McLoud and Charles Wren. Wherefore the court overrule the plea of the accused to the jurisdiction, and order the said John McLoud and Charles Wren to answer over."

The Judge Advocate, addressing the accused, John McLoud and Charles Wren, said: "You have heard the charges preferred against you, how say you—guilty or not guilty?" To which each of the accused answered, "not guilty."

The Judge Advocate then read the following-paper, marked K, viz: "Mr. President, and Gentlemen of the Court:—

Believing that the further prosecution of the charges against John McLoud and Charles Wren involves the absence of many valuable officers from the command of the troops, and is thereby seriously interfering with military operations, and as martial law has been abrogated in this county, I desire that no further proceeding be had before the court against the said accused, and that they be turned over to the civil authorities." Hereupon the court room was cleared for deliberation, and after mature consideration, the court announced to John McLoud and Charles Wren that they were discharged from any further proceedings, and were turned over to the civil authorities.

(Signed,) H. J. G. MAXON, *Maj. Com. S. B. W. T. V.*
C. W. SWINDAL, *Capt. Co. F. 2d Regt. W. T. V.*
W. W. DE LACY, *Capt. 2d Reg't W. T. V.*
ANDREW SPEPHERD, *2d Lt. Co. J, W. T. V.*
SILAS B. CURTIS, *2d Lt. Co. A, W. T. V.*



HEAD QUARTERS, W. T., VOLUNTEERS,
Olympia, W. T., May 29, 1856.

The proceedings and findings of the foregoing general court martial are hereby approved.

ISAAC I. STEVENS,
Gov. and Commander-in-Chief.

APPENDIX, "C"

TESTIMONY

Taken in Committee of the Whole House on Joint Resolution relative to Final Muster Roll of Company A, Second Regiment W. T. Volunteers.

GOVERNOR I. I. STEVENS EXAMINED.

Will you state to this Committee the facts in relation to organization of Company A, 2d regiment W. T. volunteers, under the six months organization?

Company A, of 2d regiment, W. T. V., was organized early in February, in pursuance of my proclamation calling out six months volunteers. My general orders of 1st February suspending all companies for local defence, and my special instructions of same date to Lt. Col. Lander, directing him to disband the company recently organized there, and to re-organize it anew according to my recent proclamation. That proclamation, that general order, and that letter of instructions, I submit as a part of this, my answer:

EXECUTIVE OFFICE, WASHINGTON TERRITORY,
Olympia, Feb. 1st, 1856.

Lieut. Col. E. LANDER,
Commanding Post at Seattle, W. T.:

SIR:—I have determined to disband the existing organization en-

tirely, and to accept the services of no volunteers, except for six months, and subject to the order of the executive.

Accordingly, the company recently raised at Seattle will be disbanded, and you are instructed to enlist as large a force as possible, in conformity with the requirements of the proclamation.

Every man who enlists must do so with the understanding that he enlists for the general defence of the Territory, and that he must move to any point where his services, in the opinion of his commanding officer, are most needed.

I am, sir, very respectfully,
Your most obedient,
(Signed,) ISAAC I. STEVENS,
Gov. Washington Territory.

Was there any subsequent arrangement between yourself and Lieut. Col. Lander by which the terms of enlistment indicated in the proclamation were changed?

None, whatever.

Please state when Co. A was mustered out of the service.

Company A has never been mustered out of the service, and as part of that answer, I submit letter of Lt. Col. Fitzhugh, of July 29, 1856.

SEATTLE, W. T., July 29, 1856.

Hon. ISAAC I. STEVENS,
Commander-in-Chief, Olympia, W. T.:

SIR:—In pursuance of your orders I arrived at this place yesterday evening, and proceeded to disband Co. A, under the restrictions contained in said orders. I sent to camp for Mr. Neely, Mr. Ward and others of the most intelligent of the company, and explained very fully and at great length the position the company now occupied, your views and wishes, and requested them to talk to the different members of Co. A, and request them to withdraw those offensive * * resolutions. I believe I succeeded with some six or eight * * * but could do nothing with the balance. After a great deal of talking with a great number of them privately, I requested Mr. Neely to muster his company before Mr. Yesler's door, where they were enlisted—made a full and lengthy explanation to them in a body—told them that they had placed themselves in a false position—that they were the only company in the service that had disobeyed orders, &c.. I said all that a man could say—told them of your

kind feelings towards them—begged them to rescind those resolutions, and give the lie to Gen. Wool's statement that the volunteers were inefficient and disobedient, &c., &c. I made a strong appeal to them *privately* and *in a body.* Some seemed willing to be actuated by a proper motive; but when the command was given "all who wish to rescind those resolutions, step forward,"—no one stepped from the ranks. It seems that a false sense of shame restrained them.

I told them that my duty was at an end, and that I could do nothing more. They still stood in their ranks, and I had a discussion with a Mr. Smith, * * * * * *

* * * * * * * *

Still they persisted in their original intention, and I then knew that nothing more could be done, and I dropped the subject.

* * * * * *

* * * * * *

Your obedient servant,

(Signed,) E. C. FITZHUGH,
Aid, &c.

Will you state the position of that company now?

It is in the position of a company which has committed an act of insubordination. As a part of this answer, I submit the following letters, showing the whole course of the attempts which I have repeatedly made to have that company mustered out. I mean by the expression "repeatedly," any or all acts done by me, or those acting for me—Gen. Tilton, or Lt. Col. Fitzhugh. Ist. My letter of 15th July, wherein I requested him to come to Seattle to muster out the company:

EXECUTIVE OFFICE, TERRITORY WASHINGTON,
Olympia, July 15, 1856.

Lieut. Col. E. C. FITZHUGH,
Aid-de-Camp, Bellingham Bay:

SIR:—I think as the time of the Seattle company is nearly out, it should be mustered out of service in the course of all next week. The time is on the 29th instant.

If you can leave your business at Bellingham Bay, I desire you to attend to the duty. I will have, at all events, the necessary blank muster rolls and instructions at Seattle by the regular express of next week.

* * * * * *

Yours respectfully,

(Signed,) ISAAC I. STEVENS,
Governor and Commander-in-Chief W. T. V.

Lieut. Col. Fitzhugh replies that he can attend to the duty:

BELLINGHAM BAY, W. T.

HON. ISAAC I. STEVENS,
Commander-in-Chief Volunteer Forces, Olympia:

SIR:—Your favor of July 15th is received per mail canoe. I can always "leave my business" when you require my services.

I shall leave here on Tuesday or Wednesday on the "John Hancock" for Seattle—Mr. Barnes being obliged to go by way of Port Townsend to purchase a mail canoe, and I shall go more expeditiously by the steamer. I will attend to your orders about mustering out of service the Seattle company.

* * * *
* * * *

Very respectfully,
Your obedient servant,
(Signed,) E. C. FIZHUGH,
Aid.

Also, letter of instructions from Gen. Tilton of 21st July, in relation to mustering out Co. A:

OFFICE ADJUTANT GENERAL, W. T. V.,
OLYMPIA, July 21st, 1856.

LIEUT. COL. FITZHUGH,
Aid &c., to Commander-in-Chief, Bellingham Bay:

SIR:—

* * * * *
* * * * *

In a former letter you were told that instructions would reach you relative to the disbanding of Co. A, at Seattle.

Should you be able to come up for the purpose of disbanding the company, do so by the 29th July, if not, send notice of the fact to Quarter Master Matthias, who will act in your stead.

Should you arrive at Seattle before the 29th, you can muster the company out at any date before the 29th—dating the discharges and muster roll on the 29th. However, the only instructions supposed to be necessary are to see that every man of the company is either present or accounted for—that the entries upon the final muster roll are correct, and

that all the "remarks" are made opposite the name of each member of the company necessary to show the state of his account with the United States.

* * * * *

Respectfully,

Your obedient servant,

(Signed,) JAMES TILTON,

Adjutant General W. T. Volunteers:

By order of the Governor and Commander-in-Chief.

The stars in that letter refer to some other military matters at Bellingham Bay. These instructions were sent by my order on 21st July. It was expected Col. Fitzhugh would stop at Seattle and muster the company out, without further instructions. Company A at that time stood well with me, it had done good service, and our next news in regard to that company was, that it would be mustered out of service. Two days after the instructions of 21st July, a letter came from Seattle having post mark of 22d July, which was ascertained to contain matter that required action. I took the precaution to have endorsed on those letters the hour they were received on that day, and to preserve the envelopes, showing the Seattle post mark of 22d July. This letter and these resolutions were dated Fort Lander, 28th June, 1856. (Reads letter and resolutions, which are as follows:)

FORT LANDER, 28th June, 1856.

SIR:—With this enclosed you find a set of resolutions, to which are appended the signatures of this company, the origin and intention of which is as follows:

On the 9th June, the Adjutant General issued orders to Lt. Denny of Co. A, to detail some eight men to hold the block house above Seattle, and to march his company to Fort Hays, there to perform certain duties. Lieut. Denny, for reasons given in his note of the 13th inst., June, awaited further instructions. The Adjutant General, in his order bearing date 16th June, says: "Your reasons are satisfactory—you will therefore, proceed to &c.," giving orders which at once show a lamentable, not to say criminal degree of ignorance with regard to the country and its various avenues of communication over which he was moving men and materials of war every day. Lieut. Denny, seeing that he was certainly in the dark, asked leave to take the most direct and easiest route to the point designated as the *rendezvous*, whereupon, the Adjutant General issued orders bearing date of 24th June, in which he says "you will turn

over the command of Co. A, to Lieut. Neely, and await further orders," which order he obeyed, much to the dissatisfaction of the company. The order was read to the company on parade, and the command resigned to the officer designated; immediately after which, the company held a meeting, and adopted the enclosed resolutions. In the proceedings had in this matter we intended to do nothing more nor less than they show on their face—to give a full, free and decided expression of our opinion and feelings on the subject.

With sentiments of due respect,

COMPANY A, W. T. V.

To ISAAC I. STEVENS,

Governor and Commander-in-Chief, Olympia, W. T.:

The undersigned members of Company A, Washington Territory volunteers, express their undivided sentiment with regard to the matter herein alluded to.

Resolved, That we individually, as a company, do fully endorse and approve of the course pursued by Lieut. Denny of Co. A, in his recent correspondence with the Adjutant General in regard to certain orders by him issued.

Resolved, That we know Lieut. Denny to be an able and efficient officer, and that we have full confidence in him as a commander.

Resolved, That we do not approve of the course of the Commander-in-Chief in suspending Lieut. Denny from his command, but on the contrary, consider it an act of injustice, and an insult to the company, wholly unjustifiable and uncalled for.

Resolved, That in justice to Lieut. Denny and to this company, the Commander-in-Chief should reinstate Lieut. Denny in his command immediately.

Fort Lander, June 28th, 1856.

OFFICERS:

D. A. Neely, 2d Lieutenant.
H. A. Smith, Surgeon.
John Henning, 1st. Sergeant.
C. D. Boren, 2d Sergeant.
J. Ross, 3d Sergeant.
Jacob Wibbens, 4th Sergeant.
James Fielden, 1st Corporal.
Walter Graham, 2d Corporal.
David Manner, 3d Corporal.
Asa Fowler, 4th Corporal.

PRIVATES:

John Phillips, Eli B. Maple, William Woodbridge, Solomon Brown, Charles Miller, James Broad, Henry Williams, B. W. Johns, J. John Moss, Ira B. Burlingame, James Morrison, John Haney, C. C. Thompson, A. Hograve, Robert Hicks, Alonzo Russell, Sam. Bechtelheimer, Joseph Lake, Peter Landreville, David Stanley, Robt. H. Beatty, Henry Van Assett, B. L. Johns, W. H. Gilliam, W. W. Ward, William F. Johns, William H. Brown, E. A. Clarke, Lemuel J. Holgate, A. G. Terry, Geo. Bonher, W. T. Smith, S. A. Maple.

On receiving the resolutions and communication, I directed Adjutant General Tilton to issue order of July 27.

Lieut. Fitzhugh was at Olympia, and I gave him verbal instructions with written orders. Col. Fitzhugh proceeded to Seattle, and on 29th July wrote as follows. (See letter of that date.) That is all the material part of the letter referring to that company.

On 15th August, Lieut. Neely wrote Gen. Tilton as follows:

SEATTLE, Aug. 15th, 1856.

To Hon. JAMES TILTON,

Adj't Gen. of Washington Territory, Olympia, W. T.:

SIR:—As I have received no orders from head quarters with regard to the final muster roll, I wish to have some instructions with regard to making them out, and we have heard here that you would not receive them except on certain conditions. I wish to know what course is to be pursued, and we want to have the company business settled up. If you do not wish to put our muster roll on file let me know by the earliest opportunity.

Yours respectfully,

(Signed,) D. A. NEELY,
2d Lieut. Co. A, W. T. V.

Gen. Tilton referred Lt. Neely to Col. Fitzhugh, viz:

OFFICE ADJUTANT GENERAL, W. T. V.,
OLYMPIA, Sept. 1st, 1856.

Lieut. D. A. NEELY,

Late of Co. A, 2d Reg't W. T. Volunteers:

SIR:—Your letter, dated Aug. 15th, is received. You state you

have received no orders from head quarters with regard to the final muster roll, and also, that you wish some instructions in making them (it) out.

In reply I state, the matter was given in charge of Lieut. Col. Fitzhugh, who received full instructions from this office upon the subject.

With regard to your inquiry relative to my "wishes" on the subject of putting your muster roll upon file, I will state that both my *wish* and *duty* is to carefully file and preserve every muster roll sent to this office, and return for correction such as are defective, not full, erroneous or deficient in any particular.

As I propose sending to the War Department for preservation or reference, a complete copy of all final muster rolls, I would be glad to receive yours through the mustering and inspecting officer, Lieut. Colonel Fitzhugh, who is fully instructed in regard to the conditions required for honorable discharge, and who is charged with the duty of signing all the muster rolls of the volunteers mustered out of the service down the Sound.

Respectfully, &c.,

(Signed,) J. TILTON,
Adjutant General W. T. V.

On 8th October, I received a letter from Col. Fitzhugh, dated Oct. 8, relating to same subject, and will include all acts relating to the subject, viz:

BELLINGHAM BAY, W. T.,
October 8th, 1856.

Hon. ISAAC I. STEVENS,
Commander-in-Chief, Olympia, W. T.:

SIR:—A short time since I received the muster roll of Co. A, unattended by any communication. At that time I was under the impression that it had been forwarded to me by Lieut. Neely, and wrote him a polite note, a copy of which I forwarded to Gen. Tilton, which he will show you. Enclosed you will receive his reply to the same, an exact copy of which I send.

You will perceive that he puts himself out of the way to renew his gratuitous insult to Gen. Tilton, by referring to the anonymous letter signed Co. A.

I have enclosed his letter to him without any remarks. The muster roll is here, subject to your orders.

Your obedient servant,

(Signed,) E. C. FITZHUGH,
Aid, &c.

The communication to which Col. Fitzhugh refers, is dated Sept. 22, 1856, which letter and reply are as follows:

BELLINGHAM BAY, W. T.,
Sept. 22d, 1856.

Lieut. D. A. NEELY,
Seattle:

SIR:—The muster roll of Co. A, formerly commanded by you, has been enclosed to me at this place. As there is no communication with it of any kind or description, I am forced to conclude that it was sent to *me* by *you* for the purpose of having it certified to. In order to make the discharges of Co. A legal and of some effect, I have to say that my orders *now* are the same as they *were* when I read them to you at Seattle some time since.

Those of your company who have taken their names from those famous resolutions addressed to the Commander-in-Chief of the volunteer forces, are entitled to an honorable discharge, and it will give me pleasure to certify to such fact. Those who have not done so are not entitled to such discharge, and I can't give it. I hope, however, upon mature consideration you all have determined to rescind those resolutions, and a line from you to that effect will accomplish the purpose at once. I will then immediately certify your muster roll, and send it to head quarters to be put on file. Without this is done I am powerless to do what I *presume* you wish to be done. Be so good as to write me by return of mail, and I will then either enclose the muster roll to you or to Gen. Tilton.

I am, very respectfully,
Your obedient servant,

(Signed,) E. C. FITZHUGH,
Aid, &c.

FORT LANDER, W. T.,
October 1st, 1856.

Lieut. Col. E. C. FITZHUGH,
2d Reg't W. T. Volunteers:

SIR:—Your letter of Sept. the 22d, came to hand. You say you

have obtained a muster roll of Company A, and you appear to be at loss as there is no communication from me with it. It was not sent to you by me, and it might be an imposition on you or Company A, and you can make yourself easy by sending it as near its proper owner as possible.

I wish you to bear in mind the letter that was sent to Gen. Tilton and signed "Co. A."

(Signed,) D. A. NEELY,
Commanding Co. A.

This I considered an endorsement of the letter sent Gen. Tilton by Lt. Neely. Up to this time the letter had been considered anonymous, but, in virtue of this endorsement by Lieut. Neely, was considered a part of the resolutions, and in further answer I state that I have since, in conversation with several members of the company, stated to them my desire to have the company mustered out—that no objection had been, was, or would be made to any expression of confidence the company might have in Lieut. Denny, or to a request that he should be reinstated.

They were simply required to modify the resolutions so far as they reflected upon the conduct of the Commander-in-Chief. That is the position of Co. A.

What will be the effect of the Commander-in-Chief refusing to muster Co. A out of the service. Does it leave the company still subject to orders of Commander-in-Chief?

The company was enlisted for six months, and cannot be considered in the service, except that in regard to all companies, a certain period of time has been required to perfect muster rolls, arrange discharges, and settle up the business of the company. I will add that the general effect of the company not being mustered out, is, that there will not be the requisite evidence for the action of the commissioners as to the service of the company.

Will you state in whose possession the muster roll now is?

Refers to Adjutant General, but supposes it is in the hands of Col. Fitzhugh, not positive.

Were the resolutions of Co. A, received officially, and if so, by whom were they transmitted?

The resolutions are signed by all the officers on duty—were addressed to me officially in the body of the resolutions, and were enclosed in an envelope officially, and sent by mail. The resolutions were on one slip of

paper, and were simply "*Resolutions*," not addressed to me officially. The letter signed "Company A," (subsequently endorsed by Lieut. Neely, by his letter to Col. Fitzhugh) is addressed to me officially. The whole was enclosed in an envelope, and addressed to me officially, or to Gen. Tilton, not certain.

Is it not the general practice of superior officers to return letters of complaint, or disrespectful correspondence, to the officers of companies when such letters are sent by men without transmitting through their company officers? And is it not proper that those letters should be so officially, to be considered official?

Had the resolutions in the letter been sent by a portion of the company, freeing from all complicity in the transaction, the commanding officer of the company, or any officer who could take the command, it would have been proper to have sent said letter to the commanding officer, or such officer who could take the command. It also would have been proper to have sent correspondence to a superior officer, or to a staff officer, to be examined. In the present case, it was not proper to have sent it to the officer in command—he being a party to the transaction. It was not necessary to make correspondence official that it should be transmitted by Lieut. Neely in a separate communication. Had the company formed a part of a battalion or regiment, I should have sent the letter to the Major or Colonel in command of said battalion or regiment. It formed no such part.

Had not Lieut. Neely's time expired before the date of his allusion to the letter of Co. A, and if so, could it be considered as an official act?

Lieut. Neely's time had expired, but as I have before stated, in answer to another question, the business of the company was not settled up, and every act relating to the company must be considered official. That's the practice.

Were there not companies raised among the volunteer forces after the issue of the proclamation under which you say Company A was raised, with the express understanding, that the same was to be for home protection?

I will answer as follows: After the Cascade affair, there were two companies raised: one in Lewis county, the other in Clarke county, to meet the emergency; both were raised, however, subject to the order of the Executive. It was understood that the special object of raising these

companies, was for protection of adjacent country, and that they would not be ordered to distant parts, except in case of emergency, of which the Commander-in-Chief was to judge—a full answer to that question will require a full correspondence relative to the subject which I have not here.

Did you ever have any understanding with Lieut. Col. Lander, or give him any pledge in writing or otherwise, that Company A should be considered a home company, and should be retained for the defence of Seattle and the adjoining portions of the country?

I gave him no pledge, either in writing or verbally. I will state in further answer to that question that it was part of plan of operations, to operate from Seattle by the line of the Dewamish and the lakes, in campaign against the Indians to operate with Seattle company.

Did any company of W. T. volunteers except Co. A refuse to obey orders?

That again is a question which can be answered by files in Adjutant General's office in detail. There were several cases of individuals disobeying orders, and an examination of muster rolls will show. There have been no other cases except that of Company A, of a persistent disobeyance of orders by a company, and in further answer, I will explain the course taken in such cases. The practice has been both with companies and individuals, where an order was disobeyed, to give the company or individuals an opportunity to obey the order.

Did Co. A, under command of Lieut. Neely, obey the order of Adjutant General Tilton, and perform the service required of them in working the road to Snoqualmie falls?

Company A obeyed the order.

Did not Adjutant Gen. Tilton forward blank discharges signed by himself, to Lieut. Neely, with orders to fill, sign and deliver the same to the members of Co. A, on discharging the same?

I gave no orders for such discharges to be forwarded.

Does or does not the omission after the words, "I had a discussion with a Mr. Smith," in Lieut. Col. Fitzhugh's letter, refer to the subject under consideration?

It does, but it is entirely immaterial.

What order, if any, did Company A violate?

It violated the directions in relation to rescinding those resolutions reflecting on the Commander-in-Chief.

Was Lieut. Denny dismissed the service by sentence of a court martial, or was he dismissed by order of the Commander-in-Chief, and if so, by what right did the Commander-in-Chief exercise such power?

He was simply relieved from duty.

TESTIMONY OF HON. A. A. DENNY.

Please state such facts as you are in possession of relative to Co. A. At what time did you join Company A?

The precise time I am unable to give. It was soon after the adjournment of last Legislative Assembly, but not upon its first organization, or at the time of the formation of the company, as I was in Olympia at the time it was formed.

Who was in command of Company A at the time you joined it?

Chief Justice Lander.

At the time you joined the company did you receive any information from Chief Justice Lander as to where it was to be employed, or the terms of its enlistment?

I did sir.

State what the information was, and from whom obtained.

The information was obtained from Lander then commanding the company or post, (company I would say) and was substantially as related on evidence by Judge Lander. I would here state it is unnecessary to proceed in detail as evidence by Lander is substantially correct.

Was there a general understanding to same effect among the men composing the company?

I think there was.

At what time did you receive orders from Commander-in-Chief to proceed with a portion of your company to Fort Hays?

I could not state positively the time I received those orders. They however, bear date of June 9th, 1856, and were received as soon after, to the best of my recollection, as our mail or express facilities would ordinarily deliver matter from this point.

Did that order designate any particular route by which you were to proceed to Fort Hays?

I should so interpret that order. Farther than that, it required that I should make a scout of the march which, as a matter of necessity, would compel me to traverse that region of country lying between my head quarters and Fort Hays.

What is the character of the country between your head quarters and Fort Hays?

It is a forest region, as stated by me in my despatch to Adjutant General Tilton of June 13, 1856.

What is the distance between the two points?

I could not state positively, but think it could'nt be less than about 40 miles.

Had you ever been in that part of the country before receiving the order?

I had, but not at Fort Hays. And in regard to distance from point to point, I wish it understood that I do not state positively.

What were your reasons for declining to make the march?

My reasons were, the necessities of the community, and the impracticability of so doing, as set forth in my despatch of June 13th, 1856, which I make part of this answer:

FORT LIANDER, W. T.,
13th June, 1856.

JAMES TILTON, ESQ.,
Adjutant General, W. T. V., Olympia:

SIR:—I have the honor to acknowledge the receipt of your dispatch of the 9th instant, and in answer, would say that I am utterly at a loss to know how I can comply with the orders therein contained, to the letter; if I attempt to make the trip to Fort Hays a scout, I am under the

necessity of packing every article requisite without the aid of animals, through an unbroken forest, and under such circumstances it would be impossible for me to tell at what time I could reach the point designated; also, the future well-being of the citizens, if not their very existence, demands the presence of a greater force than you designated, or than I could possibly leave here. There are now a few farmers endeavoring to raise produce for the future subsistence of the families of King county, and who are relying upon the presence of my command, while so doing, as a safeguard, but if they are deprived of this they must inevitably abandon all hope of success as they continue to work their farms, if I abandon the occupation of the lakes by my scouts, not even mentioning their fears of hostilities from the Indians on the opposite side of the Sound.

I earnestly desire to execute all orders promptly and efficiently, and I am sorry to be compelled to say that by so doing in this instance, I shall prostrate the interests and put in jeopardy the lives of the citizens of this section of country.

Very respectfully,

(Signed,) A. A. DENNY,
Company A, W. T. V.

Did you decline to carry out the order of your own responsibility? Was it your own act or the act of your men?

It was my own act, for which I, and not the company, was responsible.

What were the reasons that induced you not to comply with the subsequent order of Adjutant General in relation to removing part of your company to Fort Hays?

My reasons were, that I believed, as commander of that company, at that time, that their presence there was essentially necessary for the protection of the families then under the same, and that the original agreement under which that company was enlisted, and which those families and inhabitants generally had reason to claim and expect, would be adhered to to require the presence of the company as stated by me to the Adjutant General in my despatch of June 19th, 1856, which I make part of my answer to this question, and which the committee are already in possession of, viz:

FORT LANDER, W. T., June 19th, 1856.

JAMES TILTON,
Adjutant General W. T. Volunteeers:

SIR:—Your dispatch of the 16th is received, and I have, in reply, to say that I did, at the time I last wrote, and do yet deem it unsafe to withdraw the forces from this post, not on account of any considerable number of Indians now supposed to be in the country east of Seattle, but from the fact that the Indians who laid waste this section of the country, are so situated that they can, in one night's time, reach and occupy their old hiding places on and east of the lakes. I have, moreover, good reason to believe that it is only owing to the presence of this command, and the close watch which I have been enabled thus far to keep of all the trails, that has prevented this. I had supposed that you were well aware of the fact there were not to exceed 15 men of the naval forces now garrisoning the town of Seattle, and that it was their settled policy under no circumstances, to send a force into the interior; you must also be aware of the fact that, owing to the withdrawal of nearly all of Capt. Dent's command from Fort Thomas, upon White river, their force is only sufficient for post duty. The same too, would prove true in respect to the proposed detachment of Company A.

I am, to say the least, extremely surprised at the opinion, represented as expressed by Judge Lander. During the period of his command it was often publicly stated by him that this company was expressly organized (by private understanding with the Governor and Commander-in-Chief) for this immediate neighborhood; and that for this purpose as well as for guarding the different avenues leading from the Sound into the interior, and thus preventing the transit of Indians to and from the reserves, its presence here was absolutely indispensable.

I have to regret that if, under these circumstances, you deem it both safe and just to this section to withdraw the forces from the post, that you could not leave me the privilege of taking the shortest and most practicable route to the work you require to be done. This, a glance at the topography of the country, would at once indicate to be by water to Camp Thomas, thence by a march of a few miles, to Fort Hays.

I trust that what I have said in this letter will not be imputed to any improper motive, as I but express the views and feelings of the mass of our citizens—those too, who have suffered perhaps more than any in the Territory, from the ravages of the Indians. They are, of course, naturally unwilling to be exposed to fresh outrages from the same or other savages, by the removal of the only force upon which they can rely for active operations outside of the town of Seattle.

The policy of making requisition upon the Indian Department here for the means of transportation would certainly be injudicious, as the Indians would thus be notified of the fact that our forces were about to be withdrawn.

I am, sir, very respectfully,
Your most obedient,
(Signed,) A. A. DENNY,
1st. Lieut. Commanding Co. A.

Did you neglect to comply with 2d order upon your own responsibility, or at the instance of the men under your command?

It was upon my own responsibility, or that it was not a refusal on the part of the men that caused me to so decide.

Had you reasons at the time to know that the Adjutant General was correctly informed in relation to the routes referred to in your answer to his 2d order?

I had no reason to doubt his want of information in regard to it, except the evidence presented to me in his order of June 16th, 1856.

Had you reason to suppose that the information upon which that order was based was incorrect?

I could hardly say that I had, as I could not, when my attention was directed to the fact. The Adjutant General must certainly have possessed more correct information in regard to that section of the country than was exhibited in said order.

At what time was your command suspended, and how long were you held under arrest without a trial by court martial?

The order I received requiring me to turn over the command of the company to 2d Lieut. Neely, bears date of June 24th, 1856, and was some few days afterwards—after the date of the order.

Were you regularly elected and commissioned a lieutenant of that company?

I was.

Do you consider an inferior officer has the right to disobey an order of his superior, and argue the same?

I do not, sir.

Did Chief Justice Lander bear a commission as a commander of Co. A, and if so, what was his rank in office?

I never understood that he had a commission, but to the contrary, always understood that he was not commissioned.

Were you present at the time Judge Lander returned from Olympia, say early in February?

I must have been, sir?

At what time did he return?

I am unable to give day and date.

Were the original muster rolls destroyed, and new ones made out under the six months arrangements?

I think not, sir.

Were you present at the time the resolutions of Company A were made out and signed?

I was not, sir. I had not left camp, but was not present, and never saw a name subscribed to those resolutions. The resolutions I think were drawn up and signed by some on the day of my leaving camp.

Do you know who transmitted those resolutions to the Executive, if so, who was it?

I could not state positively anything in respect to that matter, as I had determined on the moment of delivering up the command of the company, to in no manner intermeddle, or interfere with the business of that company, or with the relation that they sustained to the Adjutant General and Commander-in-Chief.

Where were the principal portion of the volunteer officers and troops from the 24th of June to the 29th of July?

I presume they were generally with the detachments or companies to which they belonged.

When and where were the latest depredations committed at, or in the vicinity of Seattle?

Could not state positively. The last building that was burnt, was the mill at Alki. At what precise time, I do not recollect.

Had any portion of your company at any time previous to the reception of those orders, had an engagement with any of the enemy?

A short time previous a party of Indians were discovered by a detachment of the company, who were out on scout duty, and particularly charged with the duty of guarding or watching the main trail or passway leading from the reserve into the lake country, and were fired upon by those scouts—two wounded, but I think none killed.

Did the Indians return the fire?

They did.

Were you elected an officer of Company A, by a vote of that company?

I was.

Were you deprived of your command against the wishes of those who elected you?

I was.

Have you ever been notified that you were either arrested or suspended, or have you been detached or detailed to any other service after Lieut. Neely being ordered to take command of Company A?

I received from the Adjutant General a dispatch already referred to in the former part of my evidence, dated June 24th, 1856, in relation to this matter, which, to the best of my recollection is the last and only communication that I ever received from that gentleman or any other officer of the volunteer force on that subject.

Did you ever receive a copy of your charges, if so, what were they?

I never received anything on the subject, except the communication referred to, which I make part of this answer, dated June 24th, 1856:

OFFICE ADJUTANT GENERAL, W. T. V.,
OLYMPIA, June 24th, 1856.

Lieut. A. A. DENNY,

Commanding Co. A:

SIR:—You are hereby ordered to turn over the command of Co. A to the officer of that company next in rank.

The reason for this order will be found in your declining to obey the former orders sent you to send a detachment of Co. A. to Fort Hays, afterwards to Camp Montgomery, and thereby causing a derangement of the plans formed, and combinations made by the Commander-in-Chief, relative to the concentration of a party destined to open a communication essential to certain military movements from Fort Hays to the Snoqualmie pass.

You are hereby relieved from duty in the volunteer service until further orders.

Respectfully, &c.,

(Signed,) J. TILTON,
Adjutant General W. T. V.

By order of the Governor and Commander-in-Chief.

Did the Governor's proclamation give companies the choice of electing their officers?

I do not recollect on that point, as to the proclamation, but it was my understanding that that was the practice or custom throughout the service.

Has there been any proposition made by Company A to the Adjutant General or executive, for the accommodation of the difficulty of the company?

There has been a proposition made, in behalf of the company, and on their part, as I have understood.

Was the proposition to which you refer in writing?

I was asked by Mr. Smith, and I think, Mr. Phillips, of the delegation from King county, in this House, to give my consent or sanction to the plan of amicable adjustment which they proposed, and which will more fully appear as the examination proceeds. I accordingly gave my consent that they should proceed as they thought most proper; and was informed by them that they had conversed with Gen. Tilton, and that they had agreed with him upon certain propositions. I think, however, not as yet in writing. And also, that he would submit the case to the Governor, and that, having done so, he reported to Mr. Smith and Mr. Mr. Phillips, (whether both together or one at a time, I do not say) that the terms of adjustment, as by them agreed upon, would be accepted by the Governor; at which time, Mr. Smith presented to me the following written proposition, as the one which was under consideration:

[The proposition here referred to was not furnished to the printer.]

I think this is a correct copy, and make it part of my answer, and state that Mr. Smith has informed me that he submitted the same to His Excellency, the Governor, and it was rejected. It may be well for me to state that this occurred since the convening of the Legislature, and prior to any steps having been taken in the same.

Where was a majority of the volunteer troops during the period of time between the 24th day of June, and the 29th day of July? Were they not generally east of the Cascade mountains in the Indian country?

I think they were.

Were not expresses of one, two, and three men constantly passing back and forward from Fort Montgomery to the head of the Snoqualmie river in safety at and about that period?

I do not know. There might or might not have been.

Do you consider that it would be right for you, as Lieut. of Co. A, regularly commissioned and sworn, to obey the orders of Judge Lander, who had no commission, and had taken no oath? Would he, without a commission, have been your commanding officer, or would he have been commanding officer of the district?

Chief Justice Lander, as before stated by me, was elected captain of that company by a vote, and as such, recognized by the company and every officer thereof, and I did deem it my duty to yield obedience to his commands as captain or commander of the company.

If an inferior officer has not the right to disobey an order of his superior, by what authority did you fail to comply with the order of the 15th of June?

In answering this question, I am under the necessity, (to make myself understood) of referring back to the circumstance and agreement under which this company was mustered, and the service which it was to render; as given in evidence by Judge Lander, in relation thereto, and will say that I, as commander of that company, at the time I received the order referred to, did believe that the same obligation, or agreement was still binding. And I, as the officer succeeding the former commander of that company, had the undoubted right and privilege by virtue of that agreement, to extend the necessary protection to that section of the country. And that I did not then, and do not now consider or acknowledge

the disobeyance of orders; but that I looked at those orders in the light of an act of bad faith towards that section of the country—that company, and the families under its protection.

How far is it from your head quarters to Branan's prairie? And is the road from Branan's to Fort Hays practicable for man and pack horses or otherwise?

I think the distance is about thirty miles; also, think that there is a road from Brannan's prairie to Fort Hays, but it will be recollected that I have never been to Fort Hays.

Through what channel were the company reports transmitted to the Adjutant General?

I could not say positively how those reports were forwarded from Seattle, but doubt not that it was usually through government express. They were usually by me, at least, sent to Quartermaster Matthias, who attended to forwarding them—he being stationed at Seattle.

By whose order were they so transmitted?

I cant't say. I do not recollect at this time ever having received or seen any order on that point.

Did not your company, or a detachment of them, once make a scout from Seattle to Meridian prairie, and return to Seattle, and would it not have been as easy to have gone on to Fort Hays?

I once, under orders from Capt. Lander, made a scout with a detachment of Company A, in the direction of Meridian prairie, which, if I remember, occupied five days, (the reports, however, will show the time,) and failed to find or reach those prairies as was supposed by Capt. Lander and myself from the fact of my not having the correct bearing of those prairies from the point of departure, which was Fort Lander, and I might say, by former site of Duwamish mills, and not to or from Seattle as the question indicates, and that whether it would have been as easy to have extended the march to Fort Hays as it was back to camp again, I could not positively say.

At the time you received the order to repair to Fort Hays, how many regulars were there at Fort Thomas?

There were at that time but 12 or 15, as stated by me in my communication to Adjutant General, and at most but a guard deemed suffi-

cient for post duty, as I understood, and also, that this post was so situated as to afford little or no protection to the country adjacent to Seattle.

TESTIMONY OF CHIEF JUSTICE LANDER.

Please state such facts as are in your knowledge in relation to the organization of Company A.

I came to Seattle on 27th or 28th of Jan., 1856, the night after the attack on that place. We found women and children, or nearly all of them, on board the man-of-war, or ship "Brontes," in the harbor of Seattle, and no force, on shore to the best of my recollection, except a guard of marines in the block-house. It became necessary, in the opinion of Gov. Stevens, and in that I agreed with him fully, to raise a company for the defense of that place. There was a difficulty about agreeing upon a Captain. Several citizens called on me to act in that capacity, which I felt I ought not to do, considering the other position I occupied in the Territory. Governor Stevens and myself conversed about this particular matter, and it was understood between us, that if I acted in any such capacity, it could not interfere with my judicial functions in any way whatever, as that was my first and paramount duty. Governor Stevens harangued the citizens in reference to forming this company two or three times. It was formed, and I was elected Captain on the 29th day of January, 1856. On the same day, I received from Governor Stevens the following memorandum, marked as general orders, which I will furnish to the Committee, viz:

SEATTLE, W. T., January 29th, 1856.

GENERAL ORDERS, No .

1st. Lieut. Col. E. Lander is assigned according to his military rank, to the command of the post of Seattle, and of the forces to be concentrated at that point to operate against the enemy.

2d. Lieut. Col. Ed. Lander will take the most active measures to place Seattle in a defensible position, and will urge every citizen to labor earnestly for this purpose.

3d. Rations will be distributed to the families of those persons who have come forward and enrolled themselves for the defence of Seattle. Rations will not be distributed to any individual, or families who have not responded or will not respond to the call of the Executive.

4th. Every exertion will be taken to collect information as to the force and position of the enemy, and information will be sent by every opportunity to the Adjutant General's office at Olympia.

5th. F. Matthias is appointed Quartermaster and Commissary for the post of Seattle, with the rank of 1st Lieutenant, and will report to Lieut. Col. Lander, for duty.

6th. In conclusion, Lieut. Col. Lander will be sustained in the exercise of any authority, required to maintain his position, and procure provisions and clothing for his men.

ISAAC I. STEVENS.
Gov. and Commander-in-Chief.

That order was delivered to me in the evening of the day upon which it bears date, and after I had been elected Captain of Co. A.

The next notice that I had was the posting of a general order upon the public places of Seattle, to disband all companies of existing organization. It caused me a great deal of difficulty. I received soon after, perhaps same day, a special order, of which copy I now read, viz:

EXECUTIVE OFFICE, WASHINGTON TERRITORY,
OLYMPIA, Feb. 1st, 1856.

Lieut. Col. E. LANDER,
Commanding Post at Seattle:

SIR:—I am determined to disband the existing organization entirely, and to accept the services of no volunteers, except for six months, and subject to the orders of the Executive.

Accordingly, the company recently raised at Seattle, will be disbanded, and you are instructed to enlist as large a force as possible, in conformity with the requirements of the proclamation.

Every man who enlists must do so with the understanding that he enlists for the general defence of the Territory, and that he must move to any point where his services, in the opinion of his commanding officer, are most needed.

Yours respectfully,
ISAAC I. STEVENS,
Gov. Washington Territory.

Its total change from previous arrangements so surprised me, and the necessities of my position so far influenced me that I determined to

take the responsibility of not disbanding the company, but of proceeding at once to Olympia to see the Commander-in-Chief in person. When I arrived, I represented to him what I considered to be the absolute necessity for some land force for the protection of the families and buildings upon the land. I also represented the utter impossibility of raising a company to be marched from that section of country, from the scarcity of population, and the necessities of the families—there being no means of support. I also spoke about the disbanding—the difficulties that would exist in making up the commissaries accounts, who, if the company were disbanded, would appear to have issued rations to families—the men of which were not in any service whatever. There were other reasons, which I don't remember now, given at the time, and there was an express understanding between Governor Stevens and myself before I left Olympia, that the muster roll of the company should date from the 29th of January, 1856. That the sphere of duty of the company should be Seattle, and the country adjacent thereto; and that the company should not be moved therefrom until I, as commanding officer of the district, should report that the company could be spared for other duty. All persons now on the roll, who would not join subject to this understanding, were to be discharged, and recruits to be taken in according to date of their joining. That on my return to Seattle, I discharged several who had been doing duty, and recruited others. Among those who left at this time, was first Lieutenant Pixotto, and A. A. Denny, to whom I made the statement of the understanding between myself and Governor Stevens, joined the company amongst others, and was elected 1st Lieut., vice Pixotto.

In pursuance of this understanding, when called upon early in March by a gentleman, Mr. Huger, styling himself Regimental Adjutant, I forwarded to the Adjutant General the first original muster roll of the company, dated 29th January, and 2d muster roll of March 1st, accounting for all changes since first muster. I received from the office of Adjutant General the following letter, the two first sentences of which I make part of this answer, and, if the Committee require it, the whole, viz:

OFFICE ADJUTANT GENERAL, W. T. V.,
OLYMPIA, March 7th, 1856.

Lt. Col. LANDER,
Commanding Seattle:

SIR:—Your letter by Regimental Adjutant, Huger, with muster rolls of 29th January, and March 1st, is received.

Enclosed, find commissions for 1st Lieut. Denny and Surgeon Smith.

* * * * * * *

Respectfully,
Your obedient servant,
(Signed,) JAMES TILTON,
Adjutant General W. T. Volunteers.

By order of the Governor and Commander-in-Chief.

The commission of Lieut. Neely was not received at that time. The attention of the Adjutant General was afterwards called to it, and it was forwarded to that officer. I also make part of this answer the following:

GENERAL ORDERS, No. 4.

1st. The 2nd Regiment of Washington Territory Volunteers, called into the service of the United States, against the Yakima and other hostile Indian tribes, will be organized into three battalions, to be designated respectively, the Northern, the Central and Southern Battalions.

2nd. The Northern Battalion includes Company G, commanded by Captain Van Bokkelin; Company I, Captain Howe; a detachment of Co. H, Captain Peabody, and will be commanded by a Major, to be elected by the command upon its concentration.

3d. It will receive supplies and transportation from Quartermaster and Commissary Robinson, and move immediately up the river to the Snoqualmie Falls.

4th. The Central Battalion, commanded by Major Gilmore Hays, will comprise Company B, Capt. Rabbeson; Company C, Captain Hennese, (Mounted Rangers;) the Train Guard, Captain Shead, and the Pioneer Company, commanded by Capt. White, with detachment of scouts, commanded by Captain Swindall, of Co. F, and be supplied by Quartermaster and Commissary Weed, at the post of Olympia.

5th. This Battalion will march to the Muckleshoot Prairie—establishing Block-houses at the Yelm Prairie, at Montgomery's Station, and the crossing of the Puyallup river; and forming a junction with the Regulars, erect a Depot, Hospital and Block-house at or near the forks of White and Green Rivers.

6th. The Southern Battalion, commanded by Lieut. Col. Shaw, will organize from the companies now forming by Captains Maxon, Achilles, Higgins and Pearson, upon the Columbia river, and will march to the alla Walla Valley, as soon as possible.

7th. The Southern Battalion will be supplied by Quartermaster and Commissary Hathaway, at Fort Vancouver.

8th. Officers commanding Battalions, will appoint Adjutants for their commands.

9th. The Battalion Adjutant will conduct the military correspondence, make the necessary reports to this office, and keep the papers of the Battalion.

10th. Quartermasters and Commissaries will make their reports to Quartermaster and Commissary General Miller, at Olympia.

11th. Lieut. Col. Lander, commanding post at Seattle, will organize Company A, of the 2d Regiment of Washington Territory Volunteers, with as many friendly Indians as may report to him, and make war upon the hostile savages infesting the forests between Elliott's Bay and the country lying adjacent to Seattle; and co-operate with the naval forces, now in the Bay of Seattle, and will be supplied by Quartermaster and Commissary F. Matthias.

12th. Jared S. Hurd and H. R. Crosbie, Esq., are appointed Aids to the Commander-in-Chief with the rank of Lieut. Colonel.

13th. Eustis Huger is appointed acting Adjutant to the 2d Regiment W. T. Volunteers, with the rank of 1st Lieutenant.

14th. Sidney S. Ford, jr., is appointed a Captain, and detached for the special service of organizing a force of friendly Indians of the Chehalis and Cowlitz tribes for operation upon the Puyallup.

15th. Captain C. W. Riley, with the force raised in Steilacoom, will build a fort at "Lone Tree Point," north of the mouth of the Puyallup, and occupy that post until further orders.

16th. Warren Gove is appointed Quartermaster and Commissary at the post of Steilacoom.

17th. A. H. Robie is appointed Quartermaster and Commissary of subsistence at the Dalles.

18th. G. K. Willard to be surgeon and purveyor of medicines and medical stores at Head Quarters.

19th. M. P. Burns is appointed a Surgeon in the 2d Regiment, and ordered for duty with the Central Battalion.

20th. Dr. R. M. Bigelow, Surgeon for the Northern Battalion.

21st. The officer commanding the Southern Battalion will appoint a surgeon for his command, and report his name to this office, that a commission may issue.

22d. Edward Furste is appointed Chief Clerk to the Quartermaster and Commissary General.

23d. James Roberts is appointed military clerk to the office of the Commander-in-Chief.

24th. In all service of combined volunteer and Indian military forces, the military officer will take command of the whole.

25th. All officers commanding are requested to make reports to this office as frequently as practicable.

By order of the Governor and Commander-in-Chief.

J. TILTON,
Adjutant General W. T. V.

Head Quarters, Olympia, W. T., Feb. 25, 1856.

I stated, at the time I called on the Governor, that not a night passed without the burning of a house, barn, or stack of grain in the vicinity of Seattle.—That the officer commanding the naval forces refused to suffer his men to leave the shore to go into the woods, and declared his intention, if the worst came to the worst, and it became necessary to drive the Indians out of the place, that he would bombard the town, after calling all the whites on board ship. This made me urge the matter more strongly on Gov. Stevens, when I came up, in order to obtain some conditions by which a land force could be kept on foot.

I will further state, that out of 75 or 80 people, being all that remained on the eastern shore in King county, 50 were formed in the company, and so arduous was the guard duty and work, that I was compelled to ask many of the remainder to do guard duty at night, the privates not being able to stand the fatigue. They cheerfully did it.

Did you ever receive a commission or qualify as Captain of Company A?

No sir, I never did.

Did you ever, as commanding officer, report to Gov. Stevens or Adjutant General that any portion of Company A could be spared for the duty they required?

I never did.

State what you did say.

In conversation with Adjutant General as to the efficiency of Com-

pany A, I repeatedly stated that while I was there I had about 40 good men that were effective for scouting duty. I mean by that, men who could take their blankets and five days' provisions and go off upon scouting parties for four or five days, and which I now state—that nearly every man of them while I was in command of the company had done.

It has been stated here that on the 21st day of June, the day preceding the date of the order, I stated that forty men could be spared for a particular work named in the answer. I state, at that time I made no such statement, and the reasons for making this statement are these: That on the 3d day of June, 1856, as shown by the records of the U. S. District court, whereof I was Judge, a case then pending was continued by me until first Monday in July—that immediately after this continuance, I left Olympia, and went to the Columbia river—that I remained in the town of Portland and Vancouver—that I left Portland on, I think, the 26th day of June on the steamer Columbia: it being the return day of that steamer for San Francisco. I went on her to Ranier, owing to the kindness of Capt. Dall, the commander, that I arrived at Olympia about four days afterwards, and therefore, that I could not have been here on the 21st day of June, nor for three weeks previous.

I am further led to believe that I could not have made this statement to Adjutant General Tilton the last of May or first of June, inasmuch as I was in Olympia but one week previous to 3d of June, that being the time between my release from imprisonment and the sitting of court.

What was the day of the week on which you left?

I am unable to say the day of the week—think I left on Monday or Thursday.

Is your recollection distinct that you left on the day that cause was continued?

I left several days after.

Have you ever been in the military service of the United States? If so, in what capacity, and how long?

Yes, sir, as a volunteer. I was Captain in 4th regiment of Indiana volunteers for 13 or 14 months, second year of the Mexican war.

When officers or soldiers are placed in arrest, how long can they be detained under arrest, if charges are not preferred against them?

I forget the exact rule, but there is a certain number of days. I think about ten days.

Was the road proposed to be opened from White river to the Snoqualmie falls in the adjacent county of Seattle?

I should think not. The nearest way to the falls would be about thirty-five miles.

The only means I have of stating the day of leaving Olympia for Portland, is from the fact that I left with the expressman, Stewart, going to meet the steamer of the 5th, from San Francisco.

TESTIMONY OF GENERAL TILTON.

Is the final muster roll of Company A on file in your office?

No.

Do you know in whose possession it now is?

When I last heard of it, it was in possession of Col. Fitzhugh.

Has it ever been presented to you to be placed on file in your office?

An imperfect roll was forwared to me which I forwarded to Col. Fitzhugh for perfection by him.

Did you send to Lieut. Neeley or any other person in command of Company A, blank discharges to be given to the men?

I forwarded it to Col. Fitzhugh at Seattle, to care of Quartermaster Matthias, and notified Col. Fitzhugh at Bellingham Bay that such blanks would be found at Seattle when he came there to muster the Company out of service. But if he could not come to Seattle for the orders, Quartermaster Matthias would act as mustering and inspecting officer in his stead.

What were the instructions sent to Quartermaster Matthias in relation to the muster rolls?

To turn over to Col. Fitzhugh upon his arrival.

Were there any instructions sent to Matthias as to how long he was to wait for Col. Fitzhugh before acting himself?

None.

Do you know what was done with those blank discharges?

It is so reported by Col. Fitzhugh that Lieut. Neeley broke open the package during his absence and served them out.

Was this report of Col. Fitzhugh verbal or in writing?

It was verbal, or in a private letter, not official.

You will please state how many men there were in the volunteer service within the limits of King county at the time the orders were issued to Lieut. Denny, to report himself at Fort Montgomery. Also state whether any or how many men there were in the regular service within the same limits, and whether there were any vessels of the U. S. Navy then stationed in the harbor of Seattle for the protection of the citizens of Seattle and King county; also the number of canon on board.

There were between 50 and 60 men according to the last muster roll. * * * * From best information received at date of orders referred to, there were 1 or 2 vessels of war in the harbor of Seattle, and a company of regular troops were stationed above Seattle, perhaps out of limits of King county.

How far from Seattle were they stationed?

About 25 or 30 miles.

What was the date of last information of amount of forces about Seattle?

A week or two before giving the orders.

Have you a copy of the orders that accompanied the blank discharges to Quartermaster Matthias?

I have not—don't think any accompanied them.

Have you given any members of Company A honorable discharges since the receipt of those resolutions?

None.

State whether you ever had any conversation with Lieut. Col. Lander in reference to the number of men of Company A that could be spared for the purpose of general defence. If so, state as nearly as you can remember, when and where that conversation was held and what it was.

I never had conversation with Lieut. Col. Lander about how many men could be had for general defence. I had conversation with him as to how many men could be spared to cut a road between Fort Hays and Snoqualmie pass; it took place in Olympia on the day of, or preceding the date of orders to Company A to march.

Do you know the existence of any pledge or understanding between, or to any person by which that company should remain a home company?

None whatever.

Where was Gov. Stevens during the period of from the 1st day of June to about the 1st Monday in July?

He was on Columbia river or Walla Walla—on Columbia river generally.

Had he at the time Lieut. Denny was relieved from duty, any personal knowledge of the matter?

No, sir.

Have you been familiar with the details relating to the formation and mustering in of the volunteer companies, so that you would be likely to know what orders were given relative to Company A?

Yes, sir.

What were the imperfections of the muster roll and the principal objections for not receiving them?

They lack a signature of the mustering and inspecting officer, Col. Fitzhugh.

Did you not give W. W. Ward, a member of Company A, an honorable discharge, dated the 29th of July?

I think Gov. Stevens gave him a discharge—he applied, and my impression is he got it.

Was Lieut. Denny a Lieutenant by the election of his company; and by what authority was he suspendeded from rank. Was he considered to be an officer of the company up to the date of the expiration of service of that company?

I dont remember—think so, and acted upon that impression. He was suspended by order of the Commander-in-Chief—was considered an officer under arrest until the expiration of service of that company.

Did Company A, under command of Lieut. Neeley, obey the order to proceed to Camp Montgomery, and did they assist in cutting out the road to Snoqualmie pass?

A detachment did.

What order did they disobey?

The order to move to Fort Hays.

Did they disobey any other orders?

Don't remember.

Did any other company or companies disobey the orders of the Commander-in-Chief besides Company A?

Two others did.

What was the consequence of those companies in their refusal to obey?

They were given a chance to obey or be dishonorably discharged.

Have any charges ever been preferred against Lieut. Denny?

None that I have heard.

Has Lieut. Denny been discharged, or is he yet under arrest?

His case is anomalous—is laid over to be referred to war commission, &c.

Why was Lieut. Denny arrested?

Because he declined to form part of combination of troops destined to operate between Fort Hays and Snoqualmie pass.

Was Lieut. Denny ever notified that he was under arrest?

The order was sent to him—don't know whether he received it or not—was sent in shape of order to turn over the company to officer next in rank, and consider himself relieved from duty.

Did he receive copy of his charges?

Dont know that he did.

Was the copy of charges sent to him?

It was considered impracticable at that time to order a court martial, so no charges were sent.

What other companies disobeyed orders and in what particular?

Maxon's company disobeyed Col. Shaw's order by firing on the march. The Pioneer company upon receipt of same orders that Company A got, claimed exemption on the grounds of their having performed excessive duty, whilst Company A had performed comparatively little. Resolutions singed by the whole company were sent in, which were answered—they must obey the order, or be discharged dishonorably. They obeyed the order. As also, in case of Major Maxon. These were all the cases I can recollect now.

Did not Capt. Henness' company refuse to obey orders?

There is no evidence in my office of that.

Did not Capt. Henness refuse to dismount and do duty on foot, when so ordered to do?

When he was ordered to dismount his company, the order was obeyed.

Did not Capt. Kelley's company refuse to go to the Yakima or Walla Walla country when so ordered to do?

I have no recollection of any such event.

Is it customary or usual to furnish an officer with a copy of charges until a court martial is ordered to try him?

Not usual.

Does it comport with good discipline, and is it in accordance with the articles of war for a whole company to pass, sign and transmit to the Commander-in-chief, resolutions censuring him for his official conduct?

It is entirely unprecedented in any military experience I have had.

GOVERNOR STEVENS RECALLED.

State what reply you made to the proposition made to you by Messrs. Smith and Phillips for a compromise of the difficulties in regard to Company A, and your reasons for that reply?

I was not called on by Messrs. Smith and Phillips, but by Messrs. Smith and Hinkly. Mr. Smith stated that he had seen General Tilton, and that he had come with a proposition to arrange the matter. He went on to state the proposition. After stating it, he produced a paper, saying "here it is, reduced to writing." (Examines the paper referred to by Mr. Denny.)

This is not the paper shown me. It is substantially the same. The proposition which he made me was the company, or he acting for the company, would withdraw the resolutions, provided I would withdraw from my files the orders to Mr. Denny, directing him to execute a certain duty, and the order relieving him from duty, because he discharged not these orders. (Reads the letter,) viz:

OLYMPIA, W. T.

To his Excellency ISAAC I. STEVENS,

Governor and Commander-in-Chief W. T. V.

SIR:—I desire in behalf of Company A, 2d Regiment W. T. Volunteers, to withdraw certain resolutions endorsed by said company requesting the reinstatement of Lieut. A. A. Denny, formerly commanding officer of said Company A, provided that orders 1, 2 and 3 to the commander of Company A, together with certain communications of said commander in relation to said orders can be, by your Excellency, withdrawn and cancelled, thereby removing all controversy and difficulty heretofore existing between the officers and privates of said Company A, and the Command-

er-in-chief; and that the muster roll can be officially signed and placed on file in the Adjutant's office, in the same manner that the muster rolls of all the other companies are signed and filed.

Your most obedient,

H. A. SMITH,
Surgeon Company A, 2d Reg't W. T. Vol.

The compromise proposed was, that I should withdraw from my files and cancel certain orders which had gone into effect and become an established fact in the volunteer organization. That order was obeyed by Lt. Neely. Mr. Smith further stated that this arrangement was assented to by Gen. Tilton. I asked him, "has Gen. Tilton seen this paper?" he said no. I then observed, "you have mistaken Gen. Tilton. Gen. Tilton simply stated that if the matter was arranged, the papers would not go to the Legislature."

Continuing, I replied to Mr. Smith, it is impossible to withdraw or cancel these orders. They belong to the official files, and I can agree to no condition of the kind. I went on to urge the matter, saying to Mr. Smith—"Why do your company object to modifying those resolutions?" I do not object to any expression of confidence in Mr. Denny, I simply ask the company to modify those portions of the resolutions which reflect on the conduct of the Commander-in-chief. So far from degrading the company, it will be honorable and manly in the company to do so."

Mr. Smith replied—"I for one have no objection to do so, but am afraid there are many members of the company who would object to doing it—I do not feel authorized to act," or words to that effect.

There was probably other conversation, though not much—the gist of it being that I urged them to modify the objectionable portions of the resolutions.

The reasons for which, in 2d part of question are obvious.

The company had taken umbrage at certain orders, and it thereupon passed insubordinate and disrespectful resolutions. It was not in the position to ask for withdrawal of those orders. It was a compromise entirely on the side of the company—the Commander-in-chief abandoning every thing to the company. That was the character of the compromise. The order had gone into effect, and become a part of the history of the transaction. They could not be withdrawn without a mutilation of the records. In the issuing of these orders, we had endeavored to be governed by sound judgment; we had acted in perfect good faith—there had been no violation of faith—no violation of understanding whatever.

All which are my reasons for the answer I made Messrs. Smith and Hinkley.

How far is Fort Hays from Seattle, or from head quarters on the 9th June of Company A?

Company A on the 9th June was at Fort Lander, a block-house or post on the Duwamish. I have never been over the entire route, but from reports mostly verbal which have been made to me, the distance is 25 or 30 miles. This distance might be increased by freshets of White river, compelling troops to cross at Porter's. The above is the best of my recollection from verbal report made to me from time to time, &c.

Is all the correspondence on file which relates to the refusal of other volunteer companies to obey orders?

In answering this question, I will refer to answer to former question, which says there has been no persistent disobedience to orders. All the correspondence is on file so far as has been had with head quaters, or with Adjutant General.

Is the order on file requiring Capt. Henness' company to dismount? The order is on file.

Did Capt. Henness' company dismount as ordered?

They did. Express orders went to Major Hays at Camp Montgomery directing company C to dismount, and the company to go forward on foot. There was dissatisfaction, and Major Hays took the responsibility of allowing the company to go forward with their horses, and reported the facts to me. Orders were then sent by Col. Crosbie, both, I think, to Major Hays and Capt. Henness, directing that the horses should be sent back. The order was obeyed and the horses sent back.

Are you a graduate of West Point, U. S. Military Academy, and have you held a commission in the U. S. Army?

I am and have.

Did you not give an order for the dishonorable discharge of Capt. Henness' company?

I did not.

GENERAL TILTON RECALLED.

To what order to march did you refer when you spoke in your first examination of having an interview with Judge Lander?

The only order to march was dated 9th June, that being declined on the score of want of horses, and the reason having passed for making the scout, the order was changed to come in canoes, for which purpose requisition was sent upon the special agent near Seattle to supply the canoes.

Did you have more than one conversation with Mr. Smith? And if in any conversation, the subject of Delegate was mentioned, what, according to your recollection, was its purport?

Being desirous to arrange the troubles between Company A and the head quarters, I proposed an interview at the office of the Surveyor General at 12 o'clock, next day, with the representatives from King county. I then set forth the dishonor which would accrue to the volunteer service, and the text it would give the enemies of the volunteers, if those unmilitary resolutions became public, or remained on file, and proposed that they be withdrawn and others substituted which could be received.

Mr. Smith stated that, being of the same party as the Governor, he was desirous of giving him his support as the next delegate in Congress, but could not do it unless the difficulty were arranged.

To this I replied, that I was no politician, but simply regarded the matter in a military point of view. I did not, myself, use the word or express the idea of delegate either then, or at any other period, to Mr. Smith, or any other person, being actuated solely with a view to the clearness of the record of the volunteer service, with which my own name and honor were identified—I having during the past year constantly asserted that the organization was a good one, and written the same with many varieties and forms of expression.

Upon the sidewalk, next day after this interview, I met Mr. Smith, who informed me that the Governor would not permit a mutilation of his files in the abstraction of his orders, &c. I expressed my regret that the thing could not be arranged without difficulty, and renewed the hope of the day before, that the representatives of that county would agree to my proposition to withdraw the resolutions on condition that the orders leading thereunto should not be sent in with the accompanying documents, or made public.

Some allusion was made by Mr. Smith to the rights of 60 men—referring to Company A, to which I replied, "when Gov. Stevens knew he was right as a military man, he would not turn his course for 600 men, even though they be all voters, and that was one of the few things for which I admired him." This is about the substance.

Did Judge Lander ever sign the muster rolls of Company A as captain?

Yes.

Did he afterwards refuse to obey orders as such? If so, state the time when, and the reasons given for such refusal?

Of my own knowledge I know nothing of that. He did not through the Adjutant General's office, that I recollect.

Who was present when the conversation with Mr. Smith took place?

Mr. Phillips was present at the first conversation in my office. No person was present at second conversation, that I recollect.

Was the discharge to Mr. Ward given before you had any notice of the resolutions of Company A?

Yes.

Was not this the case with the first letter to Lieut. Col. Fitzhugh, ordering him to muster out Company A?

Yes.

What was the reason for which you ordered the scout?

On or about 6th or 7th of June, I received information from Gen. Gibbs that some four camps of Indians were at the Meridian prairie. Gen. Gibbs informed me that this fact was unknown to the regulars, and he informed me of it that the volunteers might have the credit of picking up some hostile Indians, who, at that period of the action, had become exceedingly scarce west of the Cascades. In the hopes that Company A could have this credit, I combined the order to move towards the point designated to commence the proposed road, with a scout through the Meridian prairies for the double purpose of scouring that part of the country, and especially picking up the four camps of Indians at the Meridian prairies, who, the next week, or some time after, were seized by the regulars from Muckleshoot.

Will you state what was the reason you did not inform Lieut. Denny of the existence of these camps, and their probable location in your order to make the scout mentioned?

The plan suggested by the question of informing a commanding offi-

cer of a scouting party of the existence of such camps, had been found in several cases, to lead the Indians themselves to a knowledge of the fact, and it was considered more prudent to withhold the information, and detail a sufficient party to be successful under any circumstances.

Would your first order to report to Fort Hays have been substantially complied with if Lieut. Denny had, from want of horses, or any other good reason, reached that place by any other route, say Fort Thomas, or otherwise?

Unquestionably it was.

Was Captain Lander acknowledged to be Captain of Company A by the Commander-in-Chief?

Yes.

Are you in possession of Capt. Lander's muster rolls?

There are three muster rolls signed by Captain Lander in my office.

How far were you ever beyond Fort Montgomery in the direction of Fort Hays?

I never was beyond Montgomery's.

How far were you ever in the interior back of Seattle?

No distance whatever. Never was out of Seattle that way.

Was the option given Lieut. Denny to obey the second order or resign?

Not that I know of.

Have you any official reports concerning the distance between Fort Hays and Seattle? If so, by whom were they made?

I have caused to be made in the office of Surveyor General a map of the Territory, as it was my business and duty to make such. I consider I have a good knowledge of distances and localities as far as known —having been employed for near two years in collecting facts illustrative of the topographical features of the country. Comp'y A was itself furnished with a copy of that map, at least, so far as was contiguous to within 60 or 70 miles of Seattle, and requested to place upon it all topographical discoveries they might make. The same was done with almost every body of troops during the past year.

Was it in the presence of Mr. Phillips that the conversation respecting delegate was had with Mr. Smith?

I think it was; not positive.

Were you present at any of the interviews between Judge Lander and Governor Stevens early in February last, when the subject of the organization or condition of Company A was talked over, and if so, did you at that time hear any suggestions made that the company were organized as a home protection company?

I believe I was present at two or three interviews in which that was the subject matter of discussion. Judge Lander represented the peculiar condition of that part of the country, and requested that its then present organization be kept up, to which the Governor informally replied, that there could be no exceptions to the rule for general service, but, it was well understood that, so long as the then state of things existed, Company A would not be detached from its specific duty of disinfesting the forests adjacent to the Sound about Seattle. The defence of Seattle was considered adequately provided for by the men of war then in her harbor—the state of affairs existing in June, being materially different from that of February. No hesitation was felt in ordering Company A to cut a road back of Seattle, and through the eastern extremity of King county, especially as I was not aware at the time I wrote the orders to Lieut. Denny that Company A claimed to be a company raised for home protection, it having been reported the same as all other companies in the service.

Do you know the handwriting of this letter?

Yes, it is in Judge Lander's handwriting.

Will not a company's muster rolls be required to be on file, whether they are honorably or dishonorably discharged for the purpose of showing what men were in service, their indebtedness to the government, &c.?

In answer I will state, that the position of this company is anomalous—their case, or a case similar to it, I have never heard of before. It therefore establishes a precedent, but don't follow any.

GOVERNOR STEVENS RE-CALLED.

How far were you ever beyond Fort Montgomery in the direction of Fort Hays?

I never was beyond Fort Montgomery in direction of Fort Hays.

How far were you ever in the interior back of Seattle?

I answer, I have been up the Dewamish to Tobin's mills—up to the mouth of Dewamish lake.

Was the option ever given Lieut. Denny to obey the second order or resign?

I answer: That I was absent on Columbia river when the second order was given, as when the third order was given, relieving Lt. Denny from the command. Gen. Tilton acted for me in my absence. My information is derived from him and the official correspondence, which show that when Mr. Denny declined the second order, he was relieved from the command of the company, and that the command was turned over to Lieut. Neely.

Did Judge Lander ever make a report to you after receiving your orders that no company would be received only those subject to the orders of the Commander-in-Chief, and if so, what were they?

After that period Judge Lander made several reports addressed either to Adjutant General or myself—most of those reports refer to the details of service. Several of them, think at least two or three, being full and interesting accounts of the scouts performed by the company. I think all those are on file officially. I received a report from Judge Lander after his return to Seattle from the visit he made me at Olympia, on receiving the general orders of first February, and the special instructions to him of same date, disbanding companies for local defence. That report states that, in compliance with my special instructions, he had enlisted the men for six months. It goes on to refer to his discharging men, and the difficulty he had in filling up the company. A copy of that report I will furnish as a portion of my answer to this question:

SEATTLE, February 18, 1856.

To Gov. I. I. STEVENS,
Commander-in-Chief:

DEAR SIR:—In compliance with special order, I discharged all the privates of Company (A) who were not willing to take the oath of service for six months. The might of the company is now 37 men rank and file, enlisted and sworn for six months. A. A. Denny being elected 1st Lieutenant in place of Piexotto, resigned. I think this force may be increased to 40 men; but this is doubtful, as the number of men in Seattle outside of the company is only 25 or 30, which of course includes many who cannot enlist.

With the force now under my command I would not feel justified in doing more than scouting in the vicinity. The scouts already sent out re-

port signs of Indians around and near the town, but in small numbers. The Indians who have been sent out report hearing hostile Indians in force up the river, and an Indian who came in to day under a safe conduct from Capt. Gansevoort, says the town is to be attacked soon. To this statement I am not inclined to give much attention.

Capt. Gansevoort has withdrawn his force, leaving a guard of marines in each block-house.

The Active leaves at day-light for Port Townsend. Capt. Alden wishes me to say that he would have written you but has not the time to-night. He saw no canoes on his return from Steilacoom.

Dr. Maynard, whom I consulted with reference to the employment of Indians, was not certain in his own mind as to the wishes of the chiefs of the Duwamish, but will let me know in a few days.

We are in want of ammunition and caps: some clothing and coffee, and sugar and forage, for some of which the Quartermaster will write.

Some families have left and some fifty or sixty men, but those now here will stay and do their best, and should our friends venture near they will give them something to do.

I am, very respectfully,

Your obedient servant,

EDWARD LANDER.

Gov. I. I. Stevens,

Commander-in-Chief, Olympia.

I will further state that, in none of the reports, is any allusion made to the fact that the company was raised on other terms than the general order and special instructions specified. But on the contrary, the fact is rebutted that the whole movements of the company were dependent solely on the discretion of the commanding officer of the company, by the orders which were given and which were obeyed. One of which was an order of Lieut. Crosbie to move the company out of Seattle, and establish Fort Lander, which order was obeyed in a soldierly and creditable manner. That order I will also furnish as a portion of my answer:

Seattle, March 17, 1856.

Capt. E. Lander,

Com'g. Company A, W. T. Volunteers:

Sir:—Capt. Swartwout, commanding U. S. Naval forces at this point, informs me that on the withdrawal of the volunteers for active operations in the field, he will garrison Seattle.

You will therefore with your command move forward to Van Asett's prairie and establish a block-house, and also one at the juncture of Black and Duwamish river.

In the manner of construction and all other details you will be governed by your own good judgment.

The great object is to complete and occupy these posts as rapidly as possible.

By order of the Gov. and Commander-in-Chief.

I am, sir, very respectfully,
Your most obedient,
HENRY R. CROSBIE,
Lt. Col. and Aid-de-Camp.

Did the naval officers ever report to you that if Company A was removed from Seattle, they would garrison and protect the town?

That was a proposition made by the naval officers, and communicated to head quarters by Judge Lander himself, I think. I will also say it may have been by Col. Crosbie; but all reports, whether furnished by Judge Lander or Col. Crosbie, will be a portion of this answer.

SEATTLE, March 17, 1856.

SIR:—I have the honor to report that in pursuance of instructions, I waited upon Capt. Swartwout, commanding the naval forces at this point, and requested him to co-operate with the volunteers in an expedition to the Lake back of Seattle.

The answer to the communication I herewith enclose.

I have ordered Capt. Lander to establish a block-house at Van Assett's prairie, and also one at the juncture of Cedar river and Duwamish.

By the protection thus offered, quite a number of settlers will be enabled to put in crops.

On the completion of these posts the force will be kept in active operation, scouting forward as far as it may be deemed practicable.

Very respectfully,
Your obedient servant,
HENRY R. CROSBIE,
Lt. Col. and Aid-de-Camp.

Adj't Gen. JAMES TILTON,
Washington Territory Volunteers.

SEATTLE, March 17, 1856.

SIR:—I have the honor herewith to enclose a copy of order to Capt. E. Lander, commanding W. T. Volunteers, stationed at this place, to move

forward and establish block-houses at Van Asett's prairie, and at the juncture of Black and Duwamish rivers.

The force at Van Asett's prairie will enable a large number of farmers in this vicinity to put in crops.

The other at the juncture of Black and Duwamish rivers is an important military point.

I shall use every endeavor to get the command in the field as rapidly as possible.

Capt. Lander deems his force too small for effective operations, and requests that it be increased to 100 men.

It would of course be better to increase it to the number specified, but I am well aware that there are no troops available for that purpose.

The degree of apprehension existing at this place is deplorable.

Mr. Yesler has gone up the river some 16 miles, and I am in hopes on his return to obtain some reliable information.

I forward a memorandum of supplies Capt. Lander has requested to be furnished with.

Very respectfully, &c.,

HENRY R. CROSBIE,

Lt. Col. and Aid-de-Camp.

Adj't Gen. JAMES TILTON,

Washington Territory Volunteers.

Have you in your possession Major Hay's reply to your order dismounting Company C?

I have this answer, and the only answer I have ever had.

CAMP PUYALLUP, Feb. 27, 1856.

SIR:—Pursuant to instructions relative to the return to the Yelm of the horses belonging to the command of Capt. Henness, the requisition has been complied with, and the horses return with five men of Capt. Henness' company. Capt. White of the Pioneers is driving ahead finely, and we hope to be able to leave here on the day after to-morrow or first of March. Several Indians were looking about our camp last [night] who were shot at by our sentinels. I suppose their object is theft.

Very respectfully,

Your obedient servant,

GILMORE HAYS,

Com'g. Central Battalion W. T. Vol.

To I. I. STEVENS,

Gov. and Commander-in-Chief W. T. Vol.

Why is Company A not entitled to a discharge, honorable or dishonorable?

I answer: Company A cannot at this time be considered in service. Our records show the fact that it has served 6 months. We have waited till this time, and I propose to wait, as far as I was concerned, till the commission set, before whom all the facts could be placed that one company has not yet received an honorable discharge, nor has it received a dishonorable discharge. This question means, if it means any thing, why has not action been had? and this is my reason why action has not been had.

Do you claim to have the right by virtue of your position as Commander-in-chief of the late volunteer forces, to discharge a company of men without the authority of a court martial before the expiration of their term of service?

I answer: As Commander-in-chief of the volunteer forces, the duty devolved upon me to exercise the power necessary in the absence of any legislation on the part of the Legislative Assembly of this Territory, to to take the needful steps to enforce military discipline, and especially to keep a true and faithful record of the services of the organization and of each individual member thereof. It seemed to me to be necessary, the exercising of this authority, and I believe the fact that this authority would be exercised was well known throughout the Territory, before a single company was enlisted.

I exercised that authority as a necessity.

Suppose an officer in the regular service is suspended from the command and charges preferred against him, but by virtue of the expiration of his term of service or for some other reason, a court martial is never convened to try him, is his pay stopped by virtue of being so suspended?

Most unquestionably not.

Can a court martial be now legally convened for the trial of Major Maxon upon the charges preferred against him by Col. Shaw, or for the trial of any other person or persons, belonging to the late volunteer service for any cause whatever, unless a court martial had been ordered for the purpose prior to the expiration of their term of service?

I decline answering that question without giving my reason.

TESTIMONY OF H. A. SMITH.

Did Adjutant Gen. Tilton say that the company would doubtless be paid if the whole matters were submitted to Congress?

He did, sir.

What reasons did Adjutant Gen. Tilton assign urging the withdrawal of the resolutions signed by the company?

He gave various reasons. He urged it as a matter of policy with the present administration. He also gave as a reason that Gov. Stevens might possibly be our next delegate to Congress, and should he be our next delegate, he would meet this question upon the floors of Congress and fight it then, and as long as he was such delegate, the company would be kept out of its pay.

Do you know how Company A become in possession of their discharges?—if so, state. Were they afterwards filled out and distributed?

I believe that Quartermaster Matthias received those blank discharges either from his Excellency Isaac I. Stevens or Major Tilton, and that he gave them over to the Quartermaster's Clerk, Esquire Clark, a member of the company, requesting him to fill them out so that they could be signed by 2d Lieut. Neeley on his return from opening the road on White river. I know that these blank discharges signed by Gen. Tilton were received and filled out ready to be signed by 2d Lieut. Neely before his return from opening the road, and before the company dreamed of being declared in a state of rebellion. They were properly filled up and distributed by Lieut. Neely.

Did you tell Gov. Stevens you were willing to withdraw your name from the resolutions?

I did not, sir. Gov. Stevens observed that he would not consider such a proposition as I had made to him. I replied that if he would not consider the proposition, it was unnecessary to talk the matter over any further, for even should I be willing to withdraw those resolutions, that the company would not be willing on its part, unless the orders 1, 2 and 3 to Lieut. Denny were also withdrawn. That is the statement I think his Excellency referred to.

Had you previously submitted this proposition to Gen. Tilton?

I had, sir.

What did he say to it; did he express any opinion as to its propriety?

He said that he was very desirous that the whole thing might be adjusted amicably at that time, without coming before the Legislature of this Territory or the world, and that he would urge the consideration of my proposition upon the Governor, and hoped he would accept it.

Did you have further conversation with Gen. Tilton in relation to proposition?

I saw Gen. Tilton two days afterward. I think he observed that he had seen his Excellency Isaac I. Stevens, and that he was willing to accept of my proposition; that all I would have to do at that time, would be to see the Governor in person and submit it to him, and it would be adjusted without delay.

Was the proposition referred to by the Governor the substance of the proposition you made to him?

Yes, sir.

Did Col. Fitzhugh tell the company that they would not receive their pay if they did not withdraw the resolutions?

He said that the company would not receive their pay independent of a special act of Congress, and that was the plain inducement held out to that company for the withdrawal of those resolutions.

Have you stated all the reasons that Major Tilton gave why the resolutions should be withdrawn?—if not, please state what other reasons were given.

I have given the principal ones, but I think he urged several others on me of a minor character, I do not recollect.

Was anything said about these resolutions giving a handle to those opposed to the volunteer service to charge them with insubordination?

I think Gen. Tilton urged no such argument.

You have stated what you believe about the discharges; how much do you know of your own knowledge in reference to the matter?

I know that they were received by Esquire Clark, Commissary's Clerk, before the return of Lieut. Neely from the opening of the road, a week previous to that time. I know they were filled out, signed by 2d Lieut. Neely, officer in command, and distributed by him to the company at the time he mustered them out of service.

Do you know who was the author of letter signed "Company A?"

I do. It was written by a private of the company, Mr. Gilliam.

Who sent that letter to the Commander-in-Chief?

The resolutions after having been signed by the company were placed in possession of Mr. Gilliam, who was requested to forward them to the Commander-in-chief.

Do you know why those resolutions were not forwarded until the 22d day of July, when dated 28th of June?

In answer to that I will state what I believe to be the reasons.—When Mr. Gilliam returned to camp after having carried the resolutions down to Seattle, I asked him if he had placed them in the post office. He said he had forgotton to put them in the office—they were in his room, and he would attend to it next time he went to town. He did not return to town for a week or two, and I think that he neglected to forward them when he did return. Their delay was, in my belief, a matter of accident.

Who requested Mr. Gilliam to forward the resolutions?

The resolutions were left with the members of the company who remained at Fort Lander, with the desire that they might be forwarded to the Commander-in-chief as soon as might be. Mr. Gilliam being the first one of the company who went to Seattle after drafting those resolutions, received them from the hands of Esquire Clark, Commissary Clerk, they having been left in his direct charge.

Did the men of Company A know that the letter signed "Company A," was to be sent with the resolutions to the Commander-in-Chief?

They knew nothing of the letter until it was presented them by the Governor's aid, Lieut. Col. Fitzhugh, on the day of his arrival in Seattle. When the letter was presented to the company, it was much surprised that such a letter had been forwarded with the resolutions. It disclaimed the letter and pronounced it a forgery. It requested Lieut. Col. Fitzhugh to report so to the Commander-in-chief. At the same time Mr. Gilliam stepped from among the company—read the letter, and declared it to have been written by himself. He apologized to the company for having presumed its authorship, without the knowledge of the company. He stated to Col. Fitzhugh that he wished to take the full responsibilities of that letter upon himself, and relieve the company from it.

Do you know at what date the last depredations by the Indians were committed about or near Seattle?

I know that there were some buildings burned below Seattle on Shoal Bay, about three or four miles from town, about the middle of June, 1856.

Was Lieut. Denny contemplating obedience to the order when he was suspended from the command of Company A?

A day or two before the order came to Lieut. Denny directing him to turn over the command of the company to 2d Lieut. Neely, they sent a detachment of men upon Lake Washington to get some canoes which

had been left there for the purpose of scouring the Lake, assigning as his reason that he wanted to be in readiness at any moment to proceed to the execution of this order. He was waiting at that time in the hopes of receiving a modification of the former order which had been issued to him by the Commander-in-chief, allowing him to leave a greater force at Fort Lander, for the protection of settlers around it, and that would enable him to proceed to the work by a nearer and more practicable route than the one designated in the orders.

How many and whose houses were burned; and do you know whether that depredation was reported to the Commander-in-chief?

There were no reports made to the Commander-in-chief of any particular buildings. The Indians were burning houses in that county from the time of the attack on Seattle up that date. There were two out houses burned on that day belonging to myself; that is the reason I recollect the date.

Was Company A ever visited or inspected by any officer from head quarters during their operations in the field?

It was visited by Lieut. Col. Crosbie while stationed at Fort Lander, once. Lieut. Col. Crosbie was with Judge Lander and the main body of the company in determining the locality of the Fort, and advised as to that locality.

Did Company A participate in election of any battalion or regimental officers?

No, sir. It elected all its own officers. It participated in the election of no officers except its own.

TESTIMONY OF TIMOTHY D. HINKLEY.

Did you hear a conversation between Gov. Stevens and Mr. Smith in relation to compromise between Company A and the Commander-in-chief?

I did, sir.

What was the conversation?

It was relative to an accommodation between the Commander-in-chief and Company A about the withdrawal of orders, and the resolutions of the company, and the letter.

Did you hear Mr. Smith say he was willing to withdraw his name from the resolutions?

I did not so understand him.

What other conversation took place at the time referred to?

They could not come to any agreement. The Doctor withdrew. The Doctor said for himself, he was indifferent to an arrangement being made.

TESTIMONY OF ISAAC HAYS.

Were you a member of Company C, 2d Regiment Washington Territory volunteers?

Yes, sir.

Was said Company C a mounted company?

Yes, sir.

Did Company C receive an order to dismount?

As I understood it, from some of the officers, they did—at Montgomery's.

Was that order obeyed?

No, sir. When they received the order they said they would not leave their horses and go on foot. They were called into line and a vote taken to decide whether we should leave our horses or take them along. The decision was that we would ride our horses.

Did the company receive further orders relating thereto? what were they?

Yes, sir. (Submits the following letter,) viz:

At Montgomery, Feb. 25th, 1856.

Sir:—Much to my astonishment on my arrival at this place, I am informed that Capt. Hennes has proceeded on the march with his company mounted, notwithstanding positive orders were given that the horses should be left.

The Captains of companies must enforce all orders that are given them.

The first duty of a soldier is obedience to orders. In consideration of the service being new, to most of the men, this act of insubordination

is overlooked. Should it again occur, you are directed to give the man or men who may be guilty at once a dishonorable discharge.

Detail ten men and send the horses back to-morrow. Capt. Henness will make such disposition as will ensure the safe keeping of his horses at the Yelm prairie and at this place, in good order and fit for service, whenever it may be necessary to remount his company.

Very respectfully,

Your obedient servant,

(Signed,) ISAAC I. STEVENS,

Governor and Commander-in-Chief.

Major G. Hays, Com'g. Battalion W. T. V.

Did the company obey those orders?

No, sir. And in answer further I will submit the following letter of Maj. Hays:

Camp Puyallup, Feb. 26th, 1856.

I. I. Stevens,

Gov. and Commander-in-chief W. T. Volunteers:

Sir:—In carrying out your instructions relative to the return to the Yelm of the horses of Capt. Henness' company, I found insubordination unanimous. They are all determined to return as a dishonored company rather than be forced to dismount. Capt. Henness remains to-day with the hope that you may allow his company to go forward on horseback. They are willing to rely on grass for their animals; they do not expect that forage can be furnished them. Our force is small only some eighty-six men including officers, excepting Henness' company and the teamsters. Indeed it is so small that some of the teamsters have said this morning, that if Henness' company returns they will go no further.

Very respectfully,

GILMORE HAYS,

Maj. Central Battalion W. T. V.

Did not Company C, as soon as a way was provided for taking care of their horses, proceed without delay?

The order written by Gov. Stevens to Major Hays was written on the 25th—on the night, I believe. The order says they must send their horses back forthwith. The company would not consent to it. A majority of them said that if the horses went back, that they would go with them. Major Hays and Capt. Henness insisted that we should stay there at the Puyallup that day, and that they would write to Gov. Stevens in regard to the matter, and I, in company with one or two others went to Montgomery's; there we found Gov. Stevens. I gave the Governor the

message, and he read it I suppose, and I thought was going to send orders right back, but owing to something, we were detained there nearly the whole of that day—we got there early in the morning. Finally, he, the Governor, concluded to send, however, Lieut. Col. Crosbie went with us in return to Camp Puyallup, and then, as I understood it, Lieut. Col. Crosbie made a proposition that the company might take fifteen horses, and that there would be forage furnished them, if they would send the other horses back to Montgomery's. The company on receiving that proposition sent all of their horses back to Montgomery's. It was said in the company that as Gov. Stevens had taken back a part of that first order, that they were willing to take back what they had said, and send all the horses in. Men were detailed or rather chosen out of the different messes to go back with the horses to Montgomery's.

How do you know that Col. Crosbie made such a proposition to the company?

I don't think I heard Col. Crosbie make it—it was made so I understood at the time.

Did not Major Hays permit the company to proceed on to Puyallup until a way could be provided for safe keeping of horses?

Major Hays said he had orders from the Governor to dismount us. We would not agree to it. We went on, on horseback.

Was not a proposition made that each mess should select their own men to take care of the horses?

I think there was.

Was Company C organized for local or general defence?

As I understood when I joined the company it was to range between Skookum Chuck and Fort Montgomery and the Puyallup; that is what I understood when I enlisted.

When Company C refused to dismount, did Major Hays order them to return or permit them to proceed with the rest of the command?

They went on, as I understood, on their own responsibility. He ordered them to go on—but to dismount. He ordered them to dismount and they refused and took a vote. I heard no order to remain at Fort Montgomery. They went on, on horseback.

Was not Company C subject to order of Commander-in-chief?

I presume it was, sir. I do not know.

H. A. SMITH RECALLED.

State whether Mr. Phillips was present at the time of your interview with Gen. Tilton referred to by you this morning?

No, sir, he was not present. The statement was made during an interview on the side walk.

What portion of the conversation do you here allude to?

I allude to the portion of conversation which referred to next delegate.

EXAMINATION OF WM. STRONG.

Why did Judge McFadden adjourn court on the Columbia river?

Judge McFadden adjourned court upon my motion. I based the motion solely on the ground of the Indian war, the absence of many of the citizens on military duty, the unwillingness of witnesses and jurors who were in attendance, to remain absent from their families, and the general unsettled state of the country. The Judge put the question to a vote of the jurors present, whether they were willing to remain or not, and they unanimously voted that they were not willing to remain, and Judge McFadden gave that reason, and that alone, for dismissing the court. The jury was dismissed, but the court was continued in session for a day or two longer, professedly for attending to such business as could be done without a jury, but as there was but little business of that kind to be done, I supposed that the main purpose was that the deputy Marshal, and others in attendance, should get their per diem.

Would that be sufficient reason for a court to continue in session?

That is a question that must rest entirely between the Judge and his own conscience.

The reasons given by the Judge were such as I have stated above, and whether they agree with the resolutions or not, is for the Committee to judge. I would state in addition, that for a court to sit without a jury would require the attendance of only a few persons, and those were in the town—resided there.

How long was it after the fight at the Cascades?

I am unable to state, positively. It was at Spring term of court.

B. F. KENDALL RECALLED.

Did Mr. Ward inform you who drew up the resolutions of Company A?

If I recollect right, Mr. Ward told me that he drew them up himself.

How long after Cascades were burnt was the court held in Clarke county?

Should say it was about ten days.

MR. DENNY RECALLED.

Did you, as commanding officer of Company A, receive any orders from or through Judge Lander after the date of his letter of May 4th, 1856, or do you know of his giving any orders to the Company after that date?

I have no recollection, or could not be positive as to dates, but think the date of this letter will place it some time during the week of the District court in King county, and judging from that fact, I can, with a great degree of safety, say that I think I probably have received no orders from Judge Lander since the date of that letter, and more particularly from the fact, that I have too much confidence in his honor as a man and good sense of propriety, to believe that he would have attempted to issue orders to me when he knew he had no authority, having written the aforesaid letter.

In answer to last clause of question, I will say: that I do not know of his having given any. I recollect of his having passed an order to me (or official communication,) from head quarters, the subject and purport of which, I do not now recollect, but the same had been addressed to Capt. Lander (not positive as to the title used,) and passed to me by him, which I think was accompanied with the explanation from him that he had resigned, &c.

Did you contemplate the execution of the order of Adjutant General, at the time you received the order suspending you from the command of Company A?

I was contemplating and intending compliance with the orders, and had detailed a party of men with instructions to bring out of Duwamish Lake, canoes which I had there, having taken the same from the hostile Indians. I left them there for the use of the company on the Lake, and

it was now my object to bring those canoes round by the way of the river for the transportation of a detachment of the company up the river, to execute the work required, anticipating a modification of the orders to some such extent as was received by Lieut. Neely, at the time that I was removed from the command. And while the men were getting the canoes in readiness, I had embraced the opportunity of visiting home and arranging my affairs accordingly, and stating publicly in Seattle that I did not expect again to return until the expiration of the 6 months, of which fact I notified the officers and members of the command, informing them that I expected to move a detachment of the company immediately on receiving a modification of the orders.

TESTIMONY OF JOSEPH CUSHMAN.

Where was Company C organized?

Here, in Olympia.

Who enlisted those men?

I did; or nearly all of them.

Were they enlisted for a local purpose, and have you any further answer to make as to the purpose for which the company was raised; was it for special or general service?

My answer cannot be direct. I wrote a heading for the men to sign. I have not got it. I presume the company Clerk has. My belief is that it read in this way: We, the undersigned, agree to serve as a company of Mounted Volunteer Rangers (or tantamount to that,) for the period of six months, under a recent proclamation of the Governor and Commander-in-Chief. Nothing in the heading of the enlistment, I mean. That is all the testimony I have in regard to the heading. I had a conversation with the Commander-in-chief. I desired him to state to me the particular duty for which this company was to be raised, so that I might tell the men who I desired to enlist, what their duty would be. The answer of the Commander-in-Chief was, that he wanted the company to range from Montgomery's to Skookum Chuck, so that when the foot soldiers drove the enemy from their position, if they came out on the prairies, the Rangers would drive them back.

Did you impart that statement or information to the men as they enlisted?

If they asked any questions, I did. If they asked no questions, the probability is I did not.

Did they generally make inquiry in relation to it?

I am unable to state the extent of that inquiry. I know it was made in some cases, and the information given.

Where did the company go after its organization?

The company went to Montgomery's—not immediately, however. They went first to McMillan's on the prairie, from there they went to Linkliter's on the prairie, from there they went to Fort Tilton on the Yelm prairie, and from there to Fort Montgomery.

Where was the battalion organized, of which Company C formed a part?

At Montgomery's.

Was Company C ordered to dismount and leave their horses at Camp Montgomery?

The officers of Company C and Major Hays told me so. I saw no order.

Did Company C obey that order?

They did not.

Did you have any conversation at Camp Montgomery with Col. Crosbie; if so, what was that conversation?

After the battalion had moved, the Commander-in-chief and Lt. Col. Crosbie came to Camp Montgomery. I cannot say precisely when. Soon after, however, the battalion had moved, Col. Crosbie asked me to go into the camp on the Puyallup, and for me to use my personal influence to induce the company to send their horses back. I declined going. I told Col. Crosbie that it was his duty rather than mine. I told Col. Crosbie further, the conditions on which I believed the company would send the horses back, and those conditions were that assurance should be given to the company that those horses should not be used for express or other purposes, without the consent of the owner; and also that the company should designate certain men to come back with the horses and take care of them.

Were those conditions acceded to by Col. Crosbie?

I am unable to state. I did not go in with the company. I was detailed for post duty at Montgomery's. The horses came back a few days after.

Did Company C go over the mountains and serve in the Walla Walla valley under Col. Shaw?

I presume they did. I was discharged and went into the employ of the Quartermaster's department.

Were you an officer in that Company, or in the Quartermaster's department?

I was not. I was a Clerk in the Quartermaster's department.

TESTIMONY OF LIEUT. COL. H. R. CROSBIE.

Were you at Camp Montgomery?

I was at Camp Montgomery. I think we left Olympia on the 24th, and started from Steilacoom to Camp Montgomery on the 25th, reaching there about noon of that day.

Did you go from Camp Montgomery to camp of Major Hays on the Puyallup; if so, for what purpose?

I went on February 26th, in company with four men, who had come in from Major Hays' camp bearing a letter which I think enclosed a letter from Capt. Henness, stating that the men refused to obey the order to dismount; that he had put it to the vote of the company, and he had found that it was unanimous. That is the general purport of the letter. Major Hays stated he had retained Capt. Henness at that place, and sent back the express to see whether the Governor would not permit Capt. Henness' company to go forward on horse—that they were willing to rely on grass for their animals. The Governor gave me directions to proceed at once to the camp on Puyallup, in company with the men who had brought it in, three of which I remember, Mr. Hays, Sherley Ensign, Mr. Barnes—the 4th one I don't know the name, but heard it was Bullitt; there were four of them however. I accompanied those four men back to the camp on the Puyallup. The Governor directed me to use all means in my power to persuade the company to obey the order, and that if they still persisted after every means had been exhausted to induce them to comply with that order, I was then to hand to the commanding officer an order which I carried with me, that that company should proceed back to Camp Montgomery, there to be dishonorably discharged from the service. I will state that I never delivered that order; it therefore, according to military rule, never had a living breathing existence. On arrival at Camp Puyallup, I

found the men of Capt. Henness' company extremely dissatisfied with the order that had been issued to them to dismount. I consulted with Major Hays and asked him whether there were any hopes of succeeding in the object of my mission. He said that he thought the men were determined to go on mounted; that they had enlisted under the idea that as a mounted company, their duty was to be confined to scouting between Puyallup and the Skookum Chuck. That they had brought their own horses into the service, and were not willing that those horses should be left behind for general service, and the tender mercies of expressmen. I told him that on an explanation, I thought the whole matter could be arranged, that I would not make use of the order to dishonorably discharge that company until there was no hope of a readjustment of the difficulty. I spoke also to Capt. Henness at the same time, very much to the same purport. After that time, I sat down that evening at the different camp fires and talked the whole subject over, I believe, to every one of the men. I stated to them that I thought they misinterpreted the intention of the order, that it was not intended permanently to make them a foot company, but that the Governor desired to dismount them only for a short time, and that order grew out of the necessity of the case. That it was necessary a certain force should be raised to strike an effective blow on Leschi, then on White river. That he had not raised as large a force of volunteers as he expected he could have raised in the time since the issue of his proclamation; that he had to borrow them as it were from the legitimate duty for which they were raised, in order to make the force sufficiently large to accomplish that purpose. I stated to them that the train was already so large as to be scarcely protected by the force accompanying it. That, therefore, it would be impossible to add teams sufficient to carry forage for the use of their horses; that moreover, they knew enough of that section of the country to know that a horse company could be of very little or no use. That one half of the men would be rendered ineffective in order to take care of the horses of the whole company. I said that therefore they could see the propriety of acceding to the order, and sending the horses back. Some of the men remarked that they preferred to take the horses along, use or no use, than see them killed by the expressmen, which, if they left them behind, would or might occur. I told them that could be obviated by each mess—there were seven messes in all; 35 horses brought back, selecting one of their number who should have the entire control of those horses, and should not be subject to any one else's orders, no matter who gave the order.

Some of the men remarked that having enlisted to serve on horseback, they were not prepared to go forward on foot—they did not like to wade cold streams, etc.

I said in reply to that, obey the order, but at the same time you can retain ten or fifteen horses for express duty, or if any are sick, or to carry you over the streams, but obey the order—keeping back this number will not be a dereliction of the order.

This talk was at the camp-fires, rather informal, because I deemed it better to get them to obey through explanation than to have the men drawn up in line, when I was certain they would not obey.

I asked Major Hays, in whose tent I slept that night, what he thought would be the result. He replied by stating that he would assist me all that he could, and that he hoped that I would be successful. He said that he had informed the men of Company C that the Governor could not properly give way or cancel that order. That he had told them the Governor would have no other alternative than to order them back to be discharged. Some of the teamsters had come to him and said that if Company C went back, they would leave—they would go no farther. That he had determined to go on with Company B, (Capt. Rabbeson's company,) and meet the Indians on White river. That if Company B was beaten some disgrace must necessarily fall on any force which had left them, and that if they accomplished there a victory, those who left would bitterly regret they had not participated in it. This is the purport of Major Hays' conversation to me.

The next morning after Capt. Henness had talked to the men and persuaded the men to comply, about 12 o'clock, Capt. Henness gave the order to Company C to fall in. Just as they were about forming, Major Hays and myself standing about ten rods to the right, a little in the rear of the company, a man whose first name was "Jim," hallooed out, "boys stick to your horses." Capt. Henness replied to him—"I don't want to hear any more out of your mouth, you have made too much of this fuss already." He then, after stating to them the propositions, asked them if they were ready to send back their horses and obey the order; those who were, to step to the front. All stepped but five, who remained up against the fence, against which the company was formed. Capt. Henness then remarked to the men—which of you prefer to keep the horses? They all finally agreed to send all the horses back and keep none. They then chose from each mess, the messes each consisting of seven men, to have charge of the horses. There was five men and 35 horses went back with me to Montgomery's, as soon as the men complied with the order.

I handed back to Major Hays and Capt. Henness their former letters, stating that the company had refused to obey the order, remarking, now that they had obeyed the order, that all evidence of their having disobeyed any orders was stricken out, and nothing remained on file. A letter was then written in answer to the first letter which was sent from

Montgomery's, complying with that order. All that happened between was blotted out.

I arrived at Montgomery's about 2 o'clock and reported that the order had been obeyed.

Was there any condition in the first order of Gov. Stevens?

I never saw the first, unless it was a letter which Capt. Henness showed me in his tent. The purport of which, was that the horses were to be left behind for general service.

The second order is in my hand-writing. I understand that order has been read here to-day. I was not in. It closes with a positive order to send back the horses to-morrow, &c.

Did as many men come back as the Commander-in-chief gave Capt. Henness leave to send back with the horses?

I made the arrangements myself, under order of the Commander-in-chief.

Did Capt. Henness or Major Hays know that there was an order in your possession for a dishonorable discharge?

I showed the order to Major Hays, and I think I informed Capt. Henness of having it. I am not certain about Capt. Henness knowing it.

Did not Capt. Henness state that as soon as the men could be spared, their horses could be placed where they would be safe from Indians, and not used for express purposes, that his men were ready to go on foot into any part of the Indian country?

He said that that was the great reason they did not wish to go. That was the fear which prevailed then.

Did the expressmen generally perform their duty expeditiously?

I will refer the gentleman in answer to that to the Governor's message.

How long a time after the first order was given for Company C to send their horses back, before they made the compromise by leaving their horses in charge of members of each mess of the company?

The first order I have official cognizance of was on the 25th February—the horses came back on the 27th.

Do you not think that it was through your agency that Company C was induced to send back their horses?

The proposition was made by Mr. Cushman, which is one to Major Hays and Captain Henness. I think that had I not given the assurances I did, the horses would not have come back.

Did you ever detail to Governor Stevens the manner in which you induced Company C to send back their horses?

I think I detailed all to him—it was the propositions and not personal influence that did it.

According to military law and regulations, can a commander-in-chief discharge a whole company for disobeyance of orders?

I never knew it to occur—a soldier is enlisted for five years—at the expiration of which term he receives his discharge.

Did the Commander-in-Chief congratulate you and thank you for the manner you had managed the business of your visit to Co. C?

Yes sir, he did.

According to military custom, how long does an officer of a company have to comply with orders?

To comply immediately, without some object intervenes justifying delay.

Were you ever in the army of the United States, and did you ever sit on a court martial?

I was Lieut. of 12th infantry in Mexico—have set on several courts martial as recorder and judge advocate.

How long can an officer (under army regulations) be arrested without trial by court martial?

Not more than eight days, or until a court martial can be convened —referred to Fremont case—and Captain May's preferring charges against Pendegrast.

From the manner in which Company C acted, would you consider that they obeyed orders with "alacrity?"

No, sir, I would not.

Was the command ever detained on account of Company C not being ready to move?

No, sir, I think not.

What were your instructions about showing or delivering those orders to Major Hays or Captain Henness?

I was to use my own judgment—not to use it until the last moment.

TESTINONY OF HON. DAVID PHILLIPS.

Were you present at the interview between Messrs. Smith and Tilton, which has been spoken of by Mr. Smith?

I was present at one interview.

Will you state as nearly as you can recollect, what took place at that interview, and what were the reasons principally urged by Major Tilton for the withdrawal of those resolutions?

Major Tilton insisted that those offensive resolutions should be withdrawn before the company was placed on the same footing as the other companies, and went on to state that all the other companies were right, and it would be difficult about getting their pay if all companies were not in the same fix.

Did you hear Mr. Tilton say any thing relative to the effect of Gov. Steven's election as delegate, and if you heard anything about delegate, state what, and from whom?

I do not think it was mentioned in the interview. I do not recollect it, if it was.

Do you know what has become of the document that was present on that occasion, and whether there were other interviews between Gen. Tilton and Mr. Smith, when you were not present?

Gen. Tilton made a proposition which Mr. Smith would not accede to. Gen. Tilton drew it up. That proposition is in Gen. Tilton's handwriting, and I make it part of this answer. It is as follows:

"We, the undersigned, members of the late Co. A, 2d regiment, W. T. volunteers, hereby withdraw the resolutions dated ———, and substitute therefor a simple request to the Governor and Commander-in-Chief that our late commanding officer, 1st Lieut. Denny, be reinstated in his rank, as it is our opinion that he did not design or intend insubordination, or disobedience of orders."

Mr. Smith, in reply stated, he had no power to withdraw it; and even were he willing, he knew the company would not be. After this was refused, Mr. Smith made a proposition to Gen. Tilton, the amount of which was, that if Gen. Tilton would withdraw the orders to Lieut. Denny, and all the offensive correspondence both ways—meaning the resolutions—that he would undertake to withdraw those resolutions in the name of the company. Gen. Tilton remarked he would see the Governor on that subject, and it was left so at that time. Next day, I believe it was, I met Gen. Tilton on the sidewalk on one of the streets, he told me he had seen the Governor, and that the Governor would fix that matter by going to see him. I asked him how? He said he would withdraw the correspondence, and commence with the order to Lieut. Neely. I understood Mr. Smith and he had one or two other interviews.

TESTIMONY OF B. F. KENDALL, ESQ.

Do you know whether Adjutant General Tilton gave W. W. Ward, a member of Company A, an honorable discharge?

I will state, that some time near the last of July, a member of Co. A was at Olympia on leave of absence from the company—he was present at my office—he was speaking to me of the necessity of his going to Seattle, in order to be mustered out of service—I suggested to him that if he would call on Adjutant Gen. Tilton, some arrangement might be made to excuse him from being present from the final mustering out of the company. He immediately left my office, and in a short time, returned with a discharge, written in full by Major Tilton and signed by him. On Mr. Ward's leaving for the States, he left it in my possession, which I here exhibit, together with a note from Major Tilton to the officer commanding the company, requesting him to sign it:

TERRITORY OF WASHINGTON—TO ALL WHOM IT MAY CONCERN.

Know Ye, that W. W. Ward, a private of Captain Lander's company A, of the 2d regiment of W. T. Volunteers, who was enlisted the 25th day of February, one thousand eight hundred and fifty-six, to serve six months, is hereby discharged from the volunteer service of the United States in the Territory of Washington, in consequence of expiration of service of Company A.

Said W. W. Ward was born in Liberty county, in the State of

Georgia, is 25 years of age, 5 feet 9½ inches high, fair complexion, grey eyes, light brown hair, and by occupation, when enlisted, a lawyer.

Given under my hand at Seattle, this 29th day of July, in the year of our Lord, one thousand eight hundred and fifty-six.

Commanding Co.

JAMES TILTON,
Adjutant General, W. T. V. Forces.

OLYMPIA, W. T., July 21, 1856.

To OFFICER COMMANDING COMPANY A,
Seattle:

SIR:—Please sign the enclosed discharge, and forward it to Mr. Ward, and make the necessary entry upon your final muster roll.

Yours respectfully,

J. TILTON,
Adjutant General W. T. Volunteers.

I presume the reason why the commanding officer did not sign said discharge was because of the fact that Mr. Ward subsequently received another discharge from the officer in command.

Are you acquainted with W. W. Ward and his signature, and is the signature affixed to the certificate appended to these resolutions his?

I am—it is. It was signed in my presence.

Do you know who brought those resolutions to Seattle?

I was at Seattle—I do not recollect the date—Mr. Ward informed me that he had a curiosity to show me. He exhibited to me this copy of the resolutions, and certified to its correctness in my presence. He stated to me that it was sent through Quartermaster Matthias to the company for their signatures. The resolutions are as follows:

Hon. J. PATTON ANDERSON, Hon. J. LANE,
Delegates, &c.:

GENTLEMEN:—The undersigned citizens, volunteers in the service of the United States, operating in the Territory of Washington, for the safety of the heretofore unprotected inhabitants from the merciless outrages of a savage foe, would beg your attention to a few facts connected with the present manner of our Commander-in-Chief, in conducting the movements of troops at his disposal, to wit:

1st. We deem it our positive duty to obey all orders given by the Commander-in-Chief, not inconsistent with common sense, and which may have as an object the vigorous prosecution of the present Indian war, thereby causing a speedy close to hostilities, and a restoration of peace to our homes and firesides.

2d. We are confident that we have not obeyed any orders other than those calculated to produce the desired object: notwithstanding we have been advised to the contrary by the supposed legal authorities of the Territory.

3d. We know that there was a necessity for the summary steps taken by the Executive in ordering in June from the outskirts of the settlements, certain evil disposed persons living in Pierce county, and knowing this necessity, we recommended that such a course be pursued before the Executive did so. The following are some of the reasons why we recommended such a course:

1st. We believe that they were the original cause of the war on this side of the mountains, as they were opposed to any treaty being made; and after made, they wilfully misinterpreted the stipulation.

2d. It looked suspicious for them to remain at their homes on the outskirts of the settlements, in perfect safety, while all American born citizens were driven to forts and block-houses, or were inhumanly murdered.

3d. It was our opinion they acted as spies for the Indians, and were furnishing them with supplies, from the fact that several of the principal Indian chiefs have been seen to visit their houses, and fresh Indian tracks, leading to and from their houses, have been seen at various times.

4th. That, previous to the arrest of those persons, it rarely happened that the volunteers could find an encampment of the enemy without previous notice of their approach, but since they have been successful on various occasions—finding also in their encampments subsistence raised on the farms of these persons.

5th. The ordering in of these men to the settlements had a good effect on both hostile and friendly Indians, as by it a considerable source of information and intercourse between each was cut off, and an example shown them that we regard all as enemies who did not aid our movements, no matter whether they were white or red These facts were well known to the civil authorities of Pierce county for more than six months previous, but they took no steps to prevent their continuance, while those who sympathised with the enemy, were loud and clamorous in their denunciations of the course pursued by the Executive. Witness

the editorials of the late "Puget Sound Courier," published in Steilacoom, and the circulation of a set of resolutions purporting to emenate from the citizens of Pierce county.

After the arrest of these persons by the Executive, efforts were made by their sympathisers to arrest them from the power of the military and claim their trial before a jury of their own selection—the result of which would have been to turn them loose again in the community, and re-open intercourse with the hostile Indians.

To meet this evil, the Executive determined to proclaim and enforce martial law over the county of Pierce, and afterwards, for the same reason, over the county of Thurston.

Notwithstanding these facts, Chief Justice Lander resolves to hold a term of the District Court in Pierce county, (Judge Chenoweth's district) in defiance of the proclamation of martial law. He gave as a reason for his determination, that his oath of office compelled him to hold a court in said district at all hazards. We differ with him in this point, and the more so, when we take into consideration that a large portion of the citizens of said county were at the time actively engaged in the field against the Indians—and it would have been very difficult to procure a proper grand jury, or satisfactory petit jury; besides, many of the volunteers had important cases at issue, and probably would have sustained severe losses by having their causes called, and they not being able to answer, as they could not leave the field without violating the order, and causing detriment to the service and war. And furthermore, that the principal witnesses against these persons that the Governor had arrested, were among the volunteers, and their evidence would have been lost. If Chief Justice Lander was right, then Judge McFadden, of the southern district was wrong, for the latter called a term of the District Court, and then, for the same reasons as stated before, adjourned without attempting to do any business. But we are inclined to think that Judge McFadden was right.

Now, gentlemen, we take this method of expressing our hearty approval of the course pursued by the Executive in the prosecution of the Indian war in this Territory, and more especially, in his declaring and enforcing martial law over the counties of Pierce and Thurston, knowing, as we do, that this was the only alternative left to ensure success to the military operations in that section of the country. We do not pretend to discuss the legality of the question, but common sense teaches us that where a necessity exists, a positive course must be taken in order to preserve the lives of our citizens; and we fully endorsed the statements made by the Executive in his "vindication."

As to the course pursued by the bar at Steilacoom, we have only to say that they have been feed by these persons under arrest, and consequently, sympathise with Leschi and his confederates.

And in reply to Judge Chenoweth, we would say that, in our opinion, he could have rendered his country more service by shouldering his rifle and assisting us to repel our common enemy, than he did by giving as his *opinion* that our officers had no right to order us, and we were not bound to obey.

I, W. W. Ward, Clerk of the Supreme Court, and a volunteer in Company A, hereby certify that the above is a true copy of the original document sent to said company for their signatures.

W. W. WARD,
Clerk Supreme Court.

Seattle, King county, W. T., June 12, 1856.

Mr. Denny informed me that it was accompanied by a note from Lt. Huger, styling himself an "aid" to the Governor. Which note substantially stated that it was expected that company would sign the enclosed statement, as Lieut. Col. Shaw's command had all done so. Mr. Denny also stated that he read this document to the company drawn up in line, and that the whole company unanimously refused to sign it. I saw the envelope in which this was sent—was directed by a clerk in the office of the Executive. It was in the same handwriting I have seen upon very many documents going from the Executive office.

Did Judge McFadden adjourn court on the Columbia river for the reasons assigned in those resolutions?

He did not. I was present at the term of court.